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BOARD OF COMMISSIONERS OF LABOR.

1909.

M. H. MADDEN, *President,* Chicago.

FRANK B. MOTT, Galesburg.

J. D. PETERS, Carbondale.

Secretary,

DAVID ROSS, Springfield.

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INTRODUCTION.

Substantially every legislative measure supported by organized labor was passed by the Forty-seventh General Assembly.

In respect to progressive labor legislation, the record made by the late session is in every way commendable, marking as it does, an epoch in labor law enactments. The appreciation, not only of the members and officers of organized labor, but the equally valuable approbation of men in various positions and pursuits in life who realize the necessity for such economic relief, is generously tendered to those whose votes were potential in putting Illinois where it belongs in respect to such advanced legislation.

A most notable feature in connection with this legislative record is the fact that notwithstanding some of these measures, particularly that defining and extending the liability of employers, known as the Compensation Act, were bitterly opposed by certain interests, the vote of the General Assembly in House and Senate was practically unanimous in their favor. This was made possible largely because the chief measures —the Compensation Act—the Act relating to occupational diseases— and the revision of the coal mine Act and other laws pertaining to mining, were all the products of special commissions appointed for the purpose. These commissions gave much time and careful study to the respective subjects and the bills recommended by them embodied the latest and best thought on these questions.

In respect to measures involving new legislation, it has become the practice to delegate their special consideration to commissions authorized by the Legislature. This is not usurping the powers of the General Assembly as some think, but rather a necessary aid, as the time of the average member during a brief session does not permit him to assemble the information required or to fully comprehend the purpose of new legislation dealing with separate or technical subjects.

For a quarter of a century the representatives of organized labor had appealed in vain to the Legislature for some legal relief from the results of industrial accidents. Third in rank in the Union as a manufacturing state, Illinois was without any clearly defined or comprehensive enactment on the question. The failure of the regular session of the Forty-sixth General Assembly, like its predecessors, to meet the demand for some measure of justice in this matter, induced Governor Deneen in convening the Legislature in special session—1910-to include in the call, a request for the enactment of a law relating to employers' liability. When this part of the program was reached, it was immediately discovered that the Assembly had no particular information relating thereto, and that its limited time would not permit of the necessary investiga-

tion, therefore, instead of attempting any enactment, it recognized the executive request by passing a law providing for an Employers' Liability Commission, authorizing it to investigate and to submit, through the Governor, to the Forty-seventh General Assembly its report, with draft of such bill as a majority of the employers and employés on the commission might agree upon.

The investigation conducted by the commission resulted in the collection of much valuable data bearing on the general issue of employers' liability under the law effective in this State, all of which is included in the exhaustive report submitted by the commission. Its general scope, with tentative draft of bill, brief of Attorney S. A. Harper, and obstacles ultimately preventing an agreement, are set forth in the report to Governor Deneen.

Following the disagreement of the commission appointed in conformity with the law, the work was continued by a voluntary commission, composed chiefly of the original members. A second measure was recommended, modifying in certain respects the provision of the former bill, among others increasing the maximum recovery in the case of death from three thousand dollars ($3,000.00) to three thousand five hundred dollars ($3,500.00), and changing the basis of computation from three to four years average annual wages.

While this measure was under consideration in the Legislature, the Supreme Court of New York rendered an opinion, holding the compensation law recently enacted in that state unconstitutional, chiefly because of its compulsory character. Fearing a similar ruling in this State the bill was amended, making it more optional in its provisions. The bill as passed with the changes noted, is substantially the bill as recommended by the commission.

PART I.

Act Creating the Employers' Liability Commission. Report of Commission and Its Attorney on Employers' Liability.

ACT CREATING THE EMPLOYERS' LIABILITY COMMISSION.

(HOUSE BILL NO. 42. APPROVED MARCH 4, 1910.)

AN ACT *to create an Employers' Liability Commission, and making an appropriation therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a commission of twelve (12) members is hereby created to be known as the Employers' Liability Commission, to be constituted and appointed as hereinafter provided.

§ 2. The Governor shall appoint within twenty days after this Act takes effect, as members of said commission, who shall be citizens of Illinois, six employers of labor and six persons who are either employés or are known to represent the interests of workmen. The commission shall elect the chairman of said commission, and shall have the power to fill any vacancy that may occur in its membership: *Provided, however,* the vacancy shall be filled by a person of the same qualifications as the person whose vacancy he fills. The majority of the members of the said commission shall constitute a quorum.

§ 3. Said commission shall investigate the problems of industrial accidents, and especially the present condition of the law of liability for injuries or death suffered in the course of industrial employment, as well in this State as in other states or countries, and shall inquire into the most equitable and effectual method of providing for compensation for losses suffered as aforesaid. It shall, as far as practical, coöperate with other commissions appointed in other states for like purposes. It shall, on or before the 15th day of September, 1910, report its conclusions, together with the draft of such bill or bills as may be deemed appropriate, to the Governor, who shall at once publish such reports and drafts of bill or bills, and shall also transmit such report to the Forty-seventh General Assembly for action thereon: *Provided,* that such commission shall report to the Governor only such recommendations as shall have been agreed upon by a majority of that part of the commission representing the employers of labor and a majority of that part of the commission representing the interests of the workingmen.

§ 4. The commission shall meet at the call of the chairman, and elect a secretary from among its members. It shall cause a record to be made and kept of its proceedings. It shall have power to employ such clerks and assistants as may be necessary, and shall fix their compensation, and may incur such other expenses as are properly incidental to the work of

the commission. The members of the commission shall be reimbursed at the rate of five dollars ($5.00) per diem while actually engaged on the work of such commission, and reimbursed for their actual expenses incurred in the work of said commission.

§ 5. The sum of ten thousand dollars ($10,000.00), or as much thereof as may be necessary, is hereby appropriated for the expenses of the commission, and the Auditor of Public Accounts is hereby authorized to draw his warrant for the foregoing amount, or any part thereof, in payment of any expenses, charges or disbursements authorized by this Act on order of the commission, signed by its chairman, attested by its secretary and approved by the Governor.

The State Board of Contracts is hereby authorized and directed to provide all necessary printing for said commission.

§ 6. WHEREAS, An emergency exists, therefore, this Act shall be in force and effect immediately after its passage and approval by the Governor.

APPROVED, March 4, 1910.

REPORT OF THE EMPLOYERS' LIABILITY COMMISSION OF THE STATE OF ILLINOIS.

CHICAGO, ILL., September 15, 1910.

To Hon. Charles S. Deneen, Governor of Illinois:

DEAR SIR—The Employers' Liability Commission, appointed by you pursuant to an act of the Legislature, approved March 4, 1910, to "investigate the problems of industrial accidents, and especially the present condition of the law of liability for injuries or death suffered in the course of industrial employment, as well in this State as in other states or countries," and to "inquire into the most equitable and effectual method of providing for compensation for losses suffered as aforesaid," submits the following report:

The following were appointed members of the commission:

EMPLOYERS.

I. G. Rawn, President, Monon Railroad, Chicago.
Mason B. Starring, President, Northwestern Elevated Railroad, Chicago.
Robert E. Conway, General Manager, Armour Packing Company, National Stock Yards, Ill.
E. T. Bent, Secretary, Illinois Coal Operators' Association, Chicago.
P. A. Peterson, President, Union Furniture Company, Rockford, Ill.
Charles Piez, President, Link-Belt Company, Chicago.
W. J. Jackson, Vice President and General Manager, Chicago & Eastern Illinois Railroad, Chicago. (Elected to succeed Mr. Rawn.)

EMPLOYES.

Edwin R. Wright, President, Illinois State Federation of Labor, Chicago.
George Golden, President, Packing House Teamsters, Chicago.
Patrick Carr, United Mine Workers of America, Ladd, Ill.
M. J. Boyle, Switchmen's Union of North America, Chicago.
Daniel J. Gorman, President, Amalgamated Association of Street Railway Employés, Peoria, Ill.
John Flora, Chicago Federation of Labor, Chicago.

The commission held its first meeting at Springfield, Ill., March 24, 1910, and was addressed by Governor Chas. S. Deneen. After the Governor's address, the commission organized by electing Mr. I. G. Rawn as chairman, and Mr. Edwin R. Wright as secretary.

The commission appointed Mr. Samuel A. Harper, of Chicago, its attorney.

The commission has held thirty executive sessions, and thirteen public hearings; five in Chicago and two each at East St. Louis, Springfield, Rock Island and Peoria.

A joint meeting was held in Chicago with the Wisconsin State Commission, and the secretary and attorney attended a joint conference of the New York Commission and the National Civic Federation at New York City. Several representatives of the commission attended one of the public hearings given by the Wisconsin Commission at Milwaukee. The commission also took an active part in the national convention held at the Auditorium hotel, Chicago, June 10th and 11th, under the auspices of the American Association for the Promotion of Labor Legislation, at which convention the commissions of Minnesota, New York, Wisconsin and Massachusetts were also represented. Delegates from New Jersey, Indiana, Connecticut and other states were in attendance.

The commission agreed with the governor in his statement made at its first meeting that a thorough investigation should first be made into actual working conditions in the industries of the State before any attempt was made to draft a new law covering the general subjects of employers' liability, or to suggest amendments to the present laws.

A thorough investigation was therefore immediately planned, and was carried on under the following heads:

Special Reports.

1. A comparative study of the English and German systems of compensation, of the systems proposed by various states of the United States, and of the relief associations operating in the State of Illinois.
2. A study of the systems of compulsory insurance and workmen's compensation in Europe.
3. A preliminary analysis of the state of the law of employers' liability in New York, with a discussion as to the legal adaptability in the State of Illinois of foreign plans of compensation, and a consideration of the most feasible plan to be adopted.

Statistical Studies.

1. An investigation was made of 200 industrial fatalities reported to the coroner of Cook county during the year 1908, and of 483 industrial fatalities reported to the authorities as occurring in other portions in the State, for the purpose of discovering the legal and economic result of such accidents, viz: the earning capacity of the workmen killed, the number of dependents, the compensation received from employers by suit or settlement, the amount paid lawyers or agents, and the effect of such accident upon the life of the family.
2. An investigation was made of 771 industrial accident cases, including death and injury, reported to the Railroad and Warehouse Commission, the Bureau of Labor, the Department of Factory Inspection, and to various organizations, boards and associations.
3. An investigation was made of 718 industrial accident cases, including death and injury in mines and quarries.
4. An inquiry was made into the cost of industrial accidents to 500 employers in the State of Illinois, to discover the total cost under the present system of employers' liability and the proportion of amount spent in hospital and medical expenses, insurance premiums, attorney's fees, settlement and damages.
5. A study was made of employers' liability insurance experience for the purpose of ascertaining the number of cases handled, the amount of settlements made, with and without suit, and the proportion of payments to premiums received, *et cetera.*

GENERAL INQUIRIES.

1. A series of questions were submitted in the form of a letter to 1,200 employers, members of the Illinois Manufacturers' Association and others, and to 1,700 labor organizations of the State, for the purpose of securing their opinion as to the justice and adequacy of the present law relating to employers' liability and as to the advisability of changing the law relating thereto.

2. A letter was sent to about 200 judges and prominent attorneys throughout the State, asking their opinion concerning the constitutionality of a proposed workmen's compensation law which should disregard all questions of negligence and be compulsory upon both employer and employé.

Practically all of the judges declined to express in writing their views upon the constitutionality of such a law on the ground that they might be called upon to pass upon the question in their official capacity after the passage of the law, and they did not think it wise to pre-judge the case. Several of the judges, however, verbally expressed themselves to the attorney for the commission as favoring a change in the present common law rules governing the relation of master and servant.

Several attorneys gave the commission the benefit of their opinion upon the constitutional questions submitted.

Along with these general studies of the legal and legislative aspects of the questions submitted to it, the commission made extensive investigations in more than 5,000 cases of industrial accidents—fatal and non-fatal—in this State, with a view to ascertaining what compensation, if any, is secured under the existing conditions.

Full and complete reports covering 614 fatal cases were secured by investigators of the commission. The facts disclosed were extraordinary. The commission found that of the entire 614 cases, only twenty-four had resulted in a successful settlement in court, and 204 were without any settlement, either in or out of court. The popular notion that the workingman, or his family in the event of his death, has a chance to secure comfortable damages, was utterly refuted by an examination of the facts.

The following table gives a brief summary of the situation as the commission found it:

FATAL ACCIDENTS.

Occupation.	Number of cases.	Cases now in court.	Cases pending in court.	Settled out of court.	No recovery.
Railroad trades	202	10	34	135	25
Railroad laborers	77	3	13	50	12
Electric railway trades	33	.....	8	14	11
Electric railway laborers	8	.....	3	2	3
Building trades	38	1	7	14	16
Building trades, laborers	16	.....	8	.....	8
Miners	120	10	9	26	75
Steel workers	33	.....	6	23	4
Miscellaneous trades	28	.....	7	6	15
Teamsters	19	.....	7	.....	12
Packing house employés	16	.....	2	2	12
General laborers	18	.....	4	4	10
Unclassified	9	.....	3	5	1
Total	614	24	111	281	204

The Commission Further Found.

That the average compensation paid out of court for the death of a skilled railway employé was $1,457.00. Cases settled in court had an average award of $2,078.00. More than 12 per cent of the cases recovered nothing whatever.

That the average settlement out of court for the death of a railway laborer amounted to $936.00. The few cases that were settled in court were probably not representative. At all events, their average was extremely low—$245.00.

That the average death settlement, out of court, in the skilled building trades was $932.00. The only successful court settlement which the commission found netted $200.00. Almost 50 per cent of the entire number of building trade cases investigated by the commission recovered nothing whatever.

That the average settlement out of court for the death of a miner was $294.00, and ten successful court cases which we found averaged $1,021.00. But more than 60 per cent of the cases had no settlement, either in or out of court.

That in the nineteen teamsters' cases which came under the investigation of the commission, not a single one showed a settlement of any sort, and in only seven of the nineteen were there suits pending.

That the families of steel workers recovered through out of court settlements an average compensation of $1,254.00. The commission found no successful court cases.

But this outline, convenient for certain purposes, scarcely hints at the situation which the commission found. It gives no idea of the suffering and hardship which our investigations disclosed; it tells nothing of the long and tedious fights, of the inequitable verdicts, the delays and uncertainties of the law; it scarcely suggests the unequal character of the struggle between the claim agents and the families of the deceased bread winner. But almost every individual case reflected some aspect or other of this sort, driving home to the members of the commission the conviction that the present system was unjust, haphazard, inadequate and wasteful, the cause of enormous suffering, of much disrespect for law and of a badly distributed burden upon society.

The First Public Statement.

Having completed its preliminary investigation, the commission arranged a tour of the State and outlined the following plan as a guide. Ten thousand copies were printed and distributed.

The public meetings were well attended, and the suggestions of the commission created wide discussion. The full text of the public letter and proposed plan for a compensation law follows:

Employers' Liability Commission
of the State of Illinois.

Chicago, July 18, 1910.

To the Public:

The Employers' Liability Commission of Illinois was authorized by the forty-sixth session of the Legislature, subsequently appointed by the Gov-

ernor, and duly organized March 24, 1910, to "investigate the problem of industrial accidents," and to report a "draft of such bill or bills as may be deemed appropriate" for accomplishing "the most equitable and effectual method of providing for compensation for losses suffered as aforesaid." In this work the commission has for its aim the conservation of human life, and the happiness and opportunity provided by a greater sense of industrial security. The commission has been and still is actively engaged in securing and considering the industrial statistics of this and other states.

The plan of the commission is tentative and susceptible of change both in scope and in form, and suggestions are invited. For the purpose of submitting the ideas of the commission directly to the industrial groups most concerned, to the legal fraternity, and to the people of the State with the least possible inconvenience to all, public meetings will be held (afternoon and evening sessions) as follows: East St. Louis, August 11th; Springfield, August 12th; Rock Island, August 17th; Peoria, August 18th; Chicago, August 24th and 25th.

Stenographic records of these meetings will be kept. After consideration of the comments and suggestions offered, draft of a bill or bills will be submitted to the Governor of the State.

Respectfully,

EDWIN R. WRIGHT,

Secretary, Employers' Liability Commission of the State of Illinois.

By Order of the Commission.

The condensed scheme first proposed by the commission took the form of the following outline of a compensation measure, and was designed merely as a topical index for discussion, as follows:

THE PLAN OF A WORKMAN'S COMPENSATION BILL UNDER CONSIDERATION BY THE COMMISSION, THE MAIN PURPOSES OF WHICH SHALL BE:

(1) To provide compensation for losses by reason of industrial accidents, resulting in death or incapacity to employés, regardless of any question of negligence or fault, except in cases of serious or willful misconduct of the employé.

(2) To make the law compulsory in form, but elective in fact, providing in the first instance that the employer shall pay the compensation, according to the scale set forth in the Act, but reserving to both employer and employé their common law remedies, including trial by jury, providing, however, as to the employer that if he refuses to pay the compensation according to the scale provided, and forces the employé to his action at the common law, he shall not escape liability by reason of either (1) the fellow servant rule, (2) the assumption of the risk, or (3) the contributory negligence of the employé, unless his negligence be greater than that of the employer, in which event the damages shall be apportioned according to the relative degree of negligence, and the burden of proof shall be upon the employer; and providing as to the employé that he shall be presumed to have accepted the compensation law, and any acceptance by him of compensation under the proposed law, except necessary medical and surgical attention, shall bar the right of action at common law, and the beginning of any action at law shall bar his right to compensation under the proposed law, except in the case of willful negligence of the employer or his failure to comply with statutory or municipal safety regulations; these two limitations upon the rights of the respective parties being imposed for the purpose of inducing them both to accept the compensation law, and to refrain from using the present unsatisfactory methods of settling claims for personal injury.

(3) To provide a scale of compensation as follows:

(*a*) *Death*—Where there are dependents, three years' wages, but not less than $1,500.00 nor more than $3,000.00. Where there are no dependents, a sum not to exceed $200.00.

(*b*) *Permanent Disability*—A pension on the basis of 50 per cent of the earnings of the employé, to be paid as long as the disability lasts, or until the compensation or pension paid, equals the amount of four years' wages, such pension to commence after two weeks' disability. Where the disability is permanent, but only partial, the percentage of compensation or pension to be reduced in proportion to the reduction in earning capacity.

(*c*) *Temporary Disability*—When such disability is determined to have existed in a *bona fide* form for two weeks or more, then compensation to be awarded from the day the employé left work, on the basis of 50 per cent to the earnings, to be paid as long as the disability lasts; all cases of disability to be determined by physician of employer, or, by consultation, if employé desires, of the employer's physician with one to be engaged by the employé, and if these two cannot agree upon the nature and probable duration of the injury, then a third to be called in; the decision of the physicians to be used as a basis for computing the compensation due, such examinations to be made at subsequent times, for the purpose of reconsidering the question, if circumstances seem to require it.

(*d*) Minors in case of permanent disability, to be paid compensation as above, on basis of 50 per cent of the earnings of adults, in the same line of employment; in case of temporary disability, when they have dependents, to be paid compensation as long as it lasts as above, on basis of 50 per cent of the earnings of adults in the same line of employment, provided that the compensation paid shall not exceed the full weekly pay; when they have no dependents, on basis of 50 per cent of their own earnings.

(4) Disputes arising under the compensation law to be settled by agreement of the parties, or arbitration, and confirmed by a court of proper jurisdiction.

(5) Claims of employés, under the law shall be preferred, same as wage claims are now preferred under the law, and shall take precedence of other wage claims of other employés not injured.

(6) Reasonable notice of claims shall be given to employer, but failure to comply strictly with statute, in regard to details, not to be fatal to the right to compensation unless the employer can show that he has been unduly prejudiced by such failure.

(7) Report to be made by employer, of all cases of injury for which compensation has been or is being paid, to the State Bureau of Labor Statistics.

(8) The compensation to be paid in installments, conforming to the manner of payment of wages while the employé was at work, except the employé or person entitled to benefits may petition county or probate court for leave to have it paid in a lump sum, and if proper showing is made, court may order amount of compensation due, paid in lump sum.

(9) The proposed law to apply to all employés of labor, who have more than five persons employed at one time.

The public meetings were largely attended, and the outline of the commission generally well received. Many expressions were heard as to the acceptability of a measure based on the general theory of workmen's compensation.

A spirit of criticism and hostility developed in a pronounced form during the public meetings held in Chicago, August 24th and 25th. Four meetings were held and a general invitation issued to take part in the debate. Additional meetings were arranged for the convenience of special organizations of employers and employés.

With the resumption of executive sessions, the committee took up the first draft of a compensation measure. The bill outlined the work of other commissions and embraced views expressed by prominent sociologists, business men, labor officials, and the public.

Changes were offered from time to time and with a redraft of the bill, the commission remained in session almost continuously in an effort to adjust the terms of the measure to the wishes of the interests represented on the commission.

The final revision of the bill is given herewith in full, together with the vote of the twelve commissioners. As it appeared impossible to secure for the bill a majority vote on each side, no further effort was made to develop and finish the details of the measure. The draft is merely submitted as an evidence of how far the commission was able to get before final disagreement, and is included in this report with the hope that it will be of service to those who may be called upon to solve this problem in the future.

AN ACT *to promote the general welfare of the People of this State, by providing compensation for accidental injuries or death caused in the course of employment.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any employer in this State may elect to provide and pay compensation for injuries sustained by any employé arising out of and in the course of the employment according to the provisions of this Act, and thereby relieve himself from liability for the recovery of damages except as herein provided. If, however, any such employer shall elect not to provide and pay the compensation according to the provisions of this Act he shall not escape liability for injuries sustained by his employés arising out of and in the course of their employment by alleging or proving in any action brought against such employer:

1. That the employé either expressly or implicitly assumed the risk of the hazard complained of, or,

2. That the injury or death was caused in whole or in part by the negligence of a fellow servant.

Every such employer is presumed to have elected to provide and pay the compensation according to the provisions of this Act unless and until notice in writing of an election to the contrary is filed with the State Bureau of Labor Statistics. Such employer, however, shall not be entitled to any of the privileges or advantages specified herein until a notice in writing of an election to provide such compensation has been filed with the State Bureau of Labor Statistics on blanks furnished by it for such purpose.

SEC. 2. The filing of notice of an election to provide such compensation as aforesaid shall constitute an acceptance of all the provisions of this Act, and such employer shall be bound thereby as to all his employés for a term of one year and for terms of each year thereafter unless a notice to the contrary shall have been given to the Bureau of Labor Statistics and to all employés in said employment by posting in the plant, shop, office or place of work at least sixty days prior to the expiration of any such annual term: *Provided*, that when an injury to an employé is due to the serious and willful misconduct of that employé, any compensation claimed in respect of that injury shall be disallowed.

SEC. 3. In the event that any employer elects to provide and pay the compensation provided in this Act and files notice of such election with the Bureau of Labor Statistics, and thereby becomes bound to provide and pay such compensation according to the provisions of this Act, then every employé of such employer, as a part of his contract of hiring, shall be deemed to have accepted all the provisions of this Act and shall be bound thereby unless after thirty days and prior to forty-five days after such hiring he shall notify his employer in writing to the contrary: *Provided, however*, that before any such employé shall be so bound by the provisions of this Act his employer shall either furnish to such employé, personally, at the time of his hiring or post in a conspicuous place in the room or place where such employé is to be employed, a statement in a language which such

employé is able to understand of the compensation provisions of this Act, if such employer has accepted the provisions of this Act as herein provided, which notice shall also include a notice to the employé that the employer has accepted the provisions hereof. Every employé whose contract of hiring is in force at the time his employer elects to pay the compensation, and who continues to work for such employer, shall be deemed thereby to have accepted the provisions of this Act, and shall be bound thereby unless he files a notice in writing to the contrary with his employer after thirty days and prior to forty-five days thereafter: *Providing*, such employer furnishes or posts the statement of the compensation provisions of this Act and his notice of acceptance thereof as herein provided.

SEC. 4. No common law or statutory right to recover damages for injuries or death sustained by any employé while engaged in the line of his duty as such employé, other than the compensation herein provided, shall be available to any employé who has accepted, according to section 3, the provisions of this Act, or to any one wholly or partially dependent upon him or legally responsible for his estate: *Provided*, that when the injury to the employé was caused by the willful failure of the employer to comply with statutory safety regulations, nothing in this Act shall affect the present civil liability of the employer.

SEC. 5. The amount of compensation which the employer shall pay if he elects the provisions of this Act, as provided in sections one (1) and two (2) for injury to the employé which results in death, shall be:

a. If the employé leaves any widow, child or children, or parents, or other lineal heirs to whose support he had contributed within five years previous to the time of his death, a sum equal to three times the average annual earnings of the employé, but not less in any event, than one thousand five hundred dollars, and not more in any event than three thousand dollars. Any weekly payments other than necessary, medical or surgical fees shall be deducted in ascertaining such amount payable on death.

b. If the employé leaves collateral heirs dependent upon his earnings, such a percentage of the sum provided in section A as the contributions which deceased made to the support of these dependents bore to his earnings at the time of his death.

c. If the employé leaves no widow, child or children, parents or lineal or collateral heirs dependent upon his earnings, a sum not to exceed one hundred fifty dollars ($150.00) to be paid to his personal representative.

All compensation provided for in this section to be paid in case the injury results in death shall be paid for the first six months in installments at the same intervals and in the same amounts that the wages or earnings of employé were paid while he was living, and after the expiration of such period of six months the balance of the compensation then due shall be paid either in installments as aforesaid or in a lump sum, at the option of the person entitled to such compensation: *Provided*, that if such compensation is paid in installments as herein provided and it shall not be feasible to pay the same at the same intervals as wages or earnings were paid, then the installments shall be paid weekly.

SEC. 6. The amount of compensation which the employer shall provide and pay for injury to the employé resulting in disability shall be:

a. Necessary medical and surgical treatment in all cases at the time of the accident and as long thereafter as necessary, but not to exceed ninety (90) days, including medicine and other means of treatment and all reasonable facilities, such as the first set of apparatus, artificial limbs, crutches and trusses to aid in the success of the treatment and to diminish the effects of the injury.

b. If the period of disability lasts for more than one week, and such fact is determined by the physician or physicians, as provided in section 8, compensation beginning on the day the injured employé leaves work as a result of the accident, and as long as the disability lasts, or until the amount of compensation paid equals the amount payable as a death benefit.

c. If the period of disability does not last more than one week from the day the injured employé leaves work as the result of the injury, no compensation shall be paid.

d. In case after the injury has been received it shall appear upon medical examinations as provided for by section 8, that the employé has been partially, though permanently incapacitated from pursuing his usual and customary line of employment, he shall receive compensation equal to one-half the difference between the average weekly wages which he earned before the accident, and the average weekly amount which he is earning, or is able to earn in some suitable employment or business after the accident, if such employment is secured: *Provided*, that where the injury shall be of a character set forth in the following scale, the employé shall receive the compensation named:

(1) If the injury causes the immediate severing of, or necessitates the amputation of a hand or foot, at or above the wrist or ankle; one and one-half years' average wages, but in no event less than $750.00 nor more than $1,500.00.

(2) If the injury results in the total irrecoverable loss of the sight of one eye; three-fourths of one year's wages, but not less than $375.00, nor more than $750.00.

e. In the case of complete disability which renders the employé wholly and permanently incapable of work, compensation for the first eight years after the day the injury was received, equal to 50 per cent of his average weekly earnings, but not less than $5.00 nor more than $10.00 per week. If complete disability continues after the expiration of the eight years, then a compensation during life, equal to 8 per cent of the death benefit which would have been payable had the accident resulted in death. Such compensation shall not be less than $10.00 per month and shall be payable monthly. In case death occurs before the total of the weekly payments equals the amount payable as a death benefit, as provided in section 5, article A, then in case the employé leaves any widow, child or children, or parents, or other lineal heirs, they shall be paid the difference between the compensation for death and the sum of the weekly payments, but in no case shall this sum be less than $.....: *Provided*, that after compensation has been paid at the specified rates for a term of at least six months the employé shall have the option to demand a lump sum payment for the difference between the sum of the weekly payments received and the four years' compensation to which he was entitled when such permanent disability has been definitely determined. For the purpose of this section, the total and irrecoverable loss of the sight of both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent paralysis of the legs or arms, and the fracture of the skull resulting in incurable imbecility or insanity, shall be considered complete disability. These specific cases of complete disability shall not, however, be construed as excluding other cases.

In fixing the amount of the disability payments, regard shall be had to any payment, allowance or benefit which the workman may have received from the employer during the period of his incapacity, except the expense of necessary medical or surgical treatment. In no event, except in case of complete disability as defined above, shall any weekly payment payable under the compensation plan herein provided exceed ten dollars per week, or extend over a period of more than six years from the date of the accident. In case an injured employé shall be mentally incompetent at the time when any right or privilege accrues to him under such plan, a conservator, or guardian of the incompetent, appointed pursuant to law, may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employé himself had been competent and had claimed or exercised any such right or privilege; and no limitations of time herein provided for shall run so long as said incompetent employé has no conservator or guardian.

SEC. 7. The basis for computing the compensation provided for in sections 5 and 6 shall be as follows:

(1) The compensation shall be computed on the basis of the annual earnings which the injured persons received as salary, wages or earnings in that employment during the year next preceding the injury.

(2) The annual earnings, if not otherwise determined, shall be regarded as three hundred times the average daily earnings in such computation; as to workmen in employment in which it is the custom to operate for a part of the whole number of working days, such number shall be used instead of 300 as a basis for computing the annual earnings.

(3) If the injured person has not been engaged in the employment for a full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same or in neighboring employments of the same kind have earned during such period. And if this basis of computation is impossible, or should appear to be unreasonable, three hundred times the amount which the injured person earns on an average on those days when he was working during the year next preceding the accident shall be used as a basis for the computation.

(4) In the case of injured persons who earn either no wage or less than three hundred times the usual daily wage or earnings of the adult day laborers of that locality, the yearly wage shall be reckoned as three hundred times this average daily local wage.

(5) In computing the compensation to be paid to employés who, before the accident were already disabled, and drawing compensation under the terms of this Act, the additional compensation shall be apportioned according to the proportion of incapacity and the disability which existed before such accident or injury, and in apportioning such compensation the earnings prior to the first injury shall be considered in relation to the earnings prior and at the time of the injury for which compensation is being computed.

SEC. 8. Any employé entitled to receive weekly payments shall be required, if requested by the employer, to submit himself for examination by a duly qualified medical practitioner or surgeon provided and paid for by the employer, at a time and place reasonably convenient for the employé, as soon as practicable after the injury and also one week after the injury and thereafter at intervals not oftener than once in six weeks, which examination shall be for the purpose of determining the nature, extent and duration of the injury received by the employé, and for the purpose of adjusting the compensation which may be due the employé from time to time for disability according to the provisions of sections 5 and 6 of this Act: *Provided, however*, that such examination shall be made in the presence of a daily qualified medical practitioner or surgeon provided and paid for by the employé, if such employé so desires, and in the event of disagreement between said medical practitioners or surgeons as to the nature, extent or duration of said injury or disability, the judge of the probate court in Cook county and the county court in counties outside of Cook county, in the county where the employé resided or was employed at the time of the injury, shall within six days after petition filed with such court for that purpose, select a third medical practitioner or surgeon and the majority report of such three physicians as to the nature, extent and probable duration of such injury or disability shall be used for the purpose of estimating the amount of compensation payable to such beneficiary under this Act. If the employé refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this Act during such period.

SEC. 9. Any question of law or fact arising in regard to the application of this law in determining the compensation payable hereunder shall be determined either by agreement of the parties or by arbitration as herein provided. In case any such question arises which cannot be settled by agreement, the employé and employer shall each select a disinterested party and the judge of the probate court in Cook county and of the county court in counties outside of Cook county shall appoint a third disinterested party, such persons to constitute a board of arbitrators for the purpose of hearing

and determining all such disputed questions of law or fact arising in regard to the application of this law in determining the compensation payable hereunder, and it shall be the duty of both employer and employé to submit to such board of arbitrators not later than ten days after the selection and appointment of such arbitrators all facts or evidence which may be in their possession or under their control relating to the questions to be determined by said arbitrators; and said board of arbitrators shall hear all the evidence submitted by both parties and they shall have access to any books, papers or records of either the employer or employé showing any facts which may be material to the questions before them, and they shall be empowered to visit the place or plant where the accident occurred, to direct the injured employé to be examined by a regular practicing physician or surgeon, and to do all other acts reasonably necessary for a proper investigation of all matters in dispute. A copy of the report of the arbitrators in each case shall be prepared and filed by them with the State Bureau of Labor Statistics, and shall be binding upon both the employer and employé except for fraud and mistake.

SEC. 10. The term "employer," as used in this Act, shall be held to include any person, firm or private corporation transacting business in this State that has an employé in his or its service and that has elected according to sections 1 and 2 of this Act to pay the compensation provided for by this Act; and any principal contractor shall be held to be an employer and shall be liable to pay compensation for injuries to the employés of any sub-contractor, whether first, second, or other sub-contractor or engaged in, on or about the premises on which said principal contractor has engaged to perform any work in the same manner and to the same extent as those said employés had been immediately been employed by him. Any principal contractor liable to pay compensation under this section, may be indemnified by any sub-contractor who would have been liable to pay compensation to such employés independent of the provisions of this section.

SEC. 11. The term "employé," as used in this Act, shall be held to include any person who has engaged to work or render any service for an employer under a contract of service or apprenticeship, whether by way of manual labor, clerical work or otherwise, and whether the contract is expressed or implied, oral or in writing, except that minors not legally permitted to work under the laws of this State, shall not be considered within the provisions of this Act and minors not so excepted are, for the purposes of this Act, to be considered the same and to have the like power of contracting as though they were of full age.

SEC. 12. Persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business are not included in the foregoing definition.

SEC. 13. Any persons entitled to payments under the compensation provisions of this Act against any employer shall have the same preferential claim therefor against the property of the employer as is now allowed by law for a claim by such person against such employer for unpaid wages or personal services, such preference to prevail against wage claims of all other employés not entitled to compensation for injuries, and the payments due under such compensation provisions shall not be subject to attachment, or to levy, or execution and satisfaction of debts except to the same extent and in the same manner as wages or earnings for personal services are now subject to levy and execution under the laws of this State, and shall not be assignable. Any right to receive compensation hereunder shall be extinguished by the death of the person entitled thereto, subject to the provisions of this Act relative to compensation for death received in the course of employment. No claim of any attorney at law for any contingent interest in any recovery for services in securing any recovery under this Act shall be an enforceable lien thereon unless the amount of the same be approved in writing by a judge of a court of record, or in case the same is tried in any court, before the judge presiding at such trial.

SEC. 14. Any contract or agreement made by any employé or any other beneficiary of any claim under the provisions of this Act, within seven days

after the injury, with any employer or his agent or with any attorney at law with reference to the prosecution or settlement of such claim shall be presumed to be fraudulent.

SEC. 15. No such employé or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employé or beneficiary hereunder.

SEC. 16. No proceedings for compensation under this Act shall be maintained unless notice of the accident has been given to the employer as soon as practicable after the happening thereof, and during such disability, and unless claim for compensation has been made within six months from the occurrence of the accident; or in case of the death of the employé or in the event of his physical or mental incapacity within six months after such death or removal of such physical or mental incapacity, or in the event that payments have been made under the provisions of this Act within six months after such payments have ceased. No want or defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings by the employé unless the employer proves that he is unduly prejudiced in such proceedings by such want, defect or inaccuracy. Notice of the accident shall, in substance, apprise the employer of the claim for compensation made by the employé and shall state the name and address of the employé injured, the approximate date and place of the accident, and in simple language the cause thereof, if known; which notice may be served personally or by registered letter addressed to the employer at his last known residence or place of business: *Provided*, that the failure on the part of any person entitled to such compensation to give such notice shall not relieve the employer from his liability for such compensation when the facts and circumstances of such accident are known to such employer or his agent.

SEC. 17. The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employés in his employment, and it shall not be in any way reduced by contribution from employés.

SEC. 18. The provisions of this Act shall not be construed so as to disturb the organization of any existing mutual aid or benefit association or society to which the employer contributes an amount sufficient to insure to the employé or other beneficiary the compensation herein provided, or to prevent the organization of any mutual benefit association or insurance company for the purpose of insuring the compensation herein provided and of paying additional accident or sick benefits for which the employé may contribute, providing such mutual aid or benefit associations or insurance companies comply with the laws of this State.

SEC. 19. Any person who shall become entitled to compensation under the provisions of this Act shall, in the event of his inability to recover such compensation from the employer on account of his insolvency or other cause, be subrogated to all the rights of such employer against any insurance company or association which may have insured such employer against loss growing out of the compensation required by the provisions of this Act to be paid by such employer, and in such case only a payment of the compensation that has accrued to the person entitled thereto in accordance with the provisions of this Act shall relieve such insurance company from such liability.

SEC. 20. It shall be the duty of every employer within the provisions of this Act to send to the Secretary of the State Bureau of Labor Statistics in writing an immediate report of all accidents or injuries arising out of or in the course of the employment and resulting in death; it shall also be the duty of every such employer to report between the 15th and 25th of each month to the Secretary of the State Bureau of Labor Statistics all accidents or injuries for which compensation has been paid in accordance with the scale of compensation provided for in this Act, which accidents or injuries entail a loss to the employé of more than one week's time, and in case the injury results in permanent disability, such report shall be made as soon as it is determined that such permanent disability has resulted or will result

from such injury; all such reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the age, sex and conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of injury, and the nature of the accident, the nature of the injury, the length of disability and, in case of death, the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person or to his legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physician's, surgeon's and hospital bill and by whom paid, and the amount paid for funeral or burial expense, if known.

SEC. 21. The invalidity of any portion of this Act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

SEC. 22. This Act shall take effect and be in force from and after the .....day of....., 1911.

THE COMMISSION FAILS TO AGREE.

On final vote, the bill failed to receive the vote of a majority on each side. The labor members submitted written statements of their objections to the bill, which are attached hereto.

The employers objected to the last provision of section 4 on the ground that it would open up the way to endless litigation in the case of coal mines which operate under a special statute whose provisions are so general as to be open always to several constructions. Objection on the part of the employers was also registered against the amount of compensation and the pension plan in cases of permanent and total disability. Statement was also submitted that the surface and elevated railroads operating under a flat rate of 5 cent are situated differently from other industries. in that, in no way, can the burden of the compensation be put upon the consumer, but can be drawn from the 5 cent rate, only by the application of an economy in some other direction, a thing that is becoming annually more and more difficult.

The employers presented a letter addressed to the Governor of the State in answer to the letter of the Chicago Federation of Labor, presented by Messrs. Boyle and Flora. Both these letters are appended.

STATEMENTS OF MEMBERS.

BOYLE AND FLORA.

We decline to sign any compensation act, because, in our opinion, any act of that kind should be preceded by a modification of the employers' defenses. Our position in this matter is fully set forth in the letter of the Chicago Federation of Labor, hereto attached.

M. J. BOYLE,
JNO. C. FLORA.

WRIGHT, GORMAN, CARR AND GOLDEN.

SEPTEMBER 14, 1910.

Employers' Liability Commission:

GENTLEMEN—The undersigned members of the commission, representing Organized Labor, wish to file our exceptions to the pending compensation measure, as follows:

We honestly and conscientiously believe in the theory of an adequate compensation bill, whereby the industry will bear the burden of accidents incident thereto.

We believe that such an enactment should be made compulsory on both employer and employé, that the defenses of the employer consisting of the fellow servant rule and assumption of risk should be abrogated, and that the elective feature contained in the present draft would prove unsatisfactory to the workers of the State.

The terms of the present draft are not adequate to provide proper compensation. We believe the amounts specified (three years' wages for death and four years' wages for complete disability) should be increased to an amount commensurate with the necessities of the injured workman and his family.

The provision specifying compensation as based on "annual earnings" should read daily earnings, and the bill should remove the question as to what constitutes a day's work.

We advocate the removal of any phrase wherein any differences of construction may be had and make the terms as automatic as consistent with the intent of such a law.

EDWIN R. WRIGHT,
DANIEL J. GORMAN,
PATRICK CARR,
GEORGE GOLDEN.

LETTER OF CHICAGO FEDERATION OF LABOR, SUBMITTED BY MESSRS. BOYLE AND FLORA.

To the Employers' Liability Commission:

GENTLEMEN—At the meeting of the Chicago Federation of Labor held on Sunday, Sept. 4, 1910, the question of endorsing or rejecting the plan of compensation, as outlined by the commission which was created by an Act of the special session of the Illinois Legislature, was referred to the Executive Board and the Legislative Committee of this Federation for final consideration, investigation and action.

In view of the above action, the Executive Board and the Legislative Committee of the Chicago Federation of Labor met on Sunday, September 12th, and after due and careful consideration submit the following:

For years and years Organized Labor had repeatedly urged the Illinois Legislature to enact a law which would establish the responsibility of the employer to his employés, and each and every effort along this line failed.

The employers of this State have three remedies at law, known as the Fellow Servant Rule, Assumption of Risk, and Contributory Negligence, and as every crook and hold-up man assumes an alias, these unspeakable measures are now known as "the Defense," and with these measures the employers are practically immune under the law, when accident or death occurs among their employés. But it goes without saying that the money the employers have been able to prevent their employés from recovering in case of accident or death by the use of the so-called defenses is blood money, pure and simple.

Organized Labor has constantly and persistently sought legislation which would break down these so-called defenses and place the maimed or crippled workman or his widow and children upon an equal footing with the employer before the law.

Organized Labor realizes that under the most favorable conditions and circumstances even, with the so-called defenses removed, the workman would be at a serious disadvantage when seeking to recover damages from our railroads, the Illinois Steel Company, or the Beef Trust, with their unlimited resources and abundance of purchased legal brains. But notwithstanding that, Organized Labor is willing to take its chances before the law; but equality before the law is absolutely impossible while the so-called defenses remain.

For years the newspapers, clubs, the University and its professors, employers' associations, and the hordes of corporation lawyers have decried the efforts of Organized Labor to secure an adequate employers' liability

bill, and every one who had the temerity to advocate such legislation was denounced as "ignorant, a knave, and a detriment to the labor movement."

Unlimited space and effort was given to what was called "industrial insurance," and the interests named herein loudly proclaimed that industrial insurance was surely the millennium for the workers.

Organized Labor, however, holds true to its course, and in the last session of Legislature introduced what was known as House Bill No. 15, which tended to establish the responsibility of the employer to his employés. This bill passed the House, but died the usual death such legislation dies in its struggle with our lawmaking body.

Organized Labor did not feel discouraged, much less defeated, so it set to work to prepare for the next battle, and that was to be when the special session of the Legislature was called to enact the direct primary law. Organized labor, through various means, tried to induce Governor Deneen to include in his call for the special session the consideration of an employers' liability bill, but we were given to understand that the call would be limited absolutely to direct primary legislation. Organized Labor was about to rest its case until the next regular session would come about. Then the unlooked for happened. Some two hundred and fifty lives were snuffed out without a moment's notice at Cherry, Ill. The widows and orphans were crying for justice. Public opinion was aroused and was intensified a thousand times when it was learned that whatever the widows and orphans would receive as a result of their great loss in this terrible calamity would be out of the goodness of heart of the owners of the Cherry Mine (the Chicago, Milwaukee & St. Paul Railroad), and not because the great State of Illinois had provided legislation for their protection.

The administration, the Legislature and the interests were exposed. Their jack-pot method of juggling legislation showed that they failed to heed the demands of the toilers of the State. They had denied the maimed and crippled, the widows and the orphans the protection which would come to them through the enactment of an employers' liability law. And to further prevent such humane and just regulation would be denounced as criminal, so they set to work to cover up their tracks. The Governor's call for the special session was opened up and it provided for the appointment of an employers' liability commission and other legislation to protect and safeguard life and limb—and right here is where they put another one over upon us. Instead of calling the Legislature to consider an employers' liability bill in the special session, it was twisted to read, "to enact a law to appoint an employers' liability commission," and by that twist of words we were denied employers' liability legislation at the special session.

Now then, when the special session met and had under consideration the bill to appoint the commission, we find the bill was so worded as to limit the work of the commission to the consideration of compensation in case of accident or death, and this is the first place where we met up with the proposition of compensation. Prior to this industrial insurance was constantly being shoved under our nose, but the old howl about industrial insurance must have died, or we were face to face with another victory of public opinion, which now proclaims that each industry must provide for its human waste, and that compensation for accidents and deaths must be provided for by the employer. However, the legislation provided for the appointment of a commission, and unfortunately the commission could not see its way clear to consider an employers' liability bill, but devoted itself rigidly to the proposition of compensation, which, to use an old phrase, is "putting the cart before the horse."

In January, 1910, a meeting was held in the office of the Chicago Federation of Labor, where the Illinois State Federation of Labor, the United Mine Workers of Illinois and the Chicago Federation of Labor were represented. After a lengthy discussion as to what Labor might hope for from the special session of the Legislature which was then about to convene, it was decided that we would not oppose the appointment of an employers' liability commission, but that we would endeavor to amend the bill in two par-

ticulars. One amendment was that we would try to have the commission confined to three employers and three employés. The other amendment was that we would try to have the commission report to the Governor by Sept. 1, 1910. We also decided that if the commission did not report a bill favorable to Labor, that the three organizations represented would be free to interview and pledge candidates for the next Legislature, and the three organizations would act unitedly for an employers' liability bill in the next regular session.

The following is a copy of the agreement entered into between the Illinois State Federation of Labor, the United Mine Workers of Illinois, and the Chicago Federation of Labor at the January meeting, 1910:

Since there has been included in the call for the special session a request for the creation of a commission to consider the question of an employers' liability act, thereby preventing the enactment of employers' liability legislation at the special session;

Therefore, we agree to an amendment to the Hull bill, providing that the commission be composed of three employers and three employés, to meet immediately after their appointment and to report their findings not later than Sept. 1, 1910, to the Governor.

In the event of their failure to make definite and final report by Sept. 1, 1910, the Illinois State Federation of Labor, the United Mine Workers of Illinois, and the Chicago Federation of Labor will act united in the session of the Illinois Legislature of 1911 for an employers' liability act."

The above proves conclusively that the attitude of the three organizations is absolutely in favor of an employers' liability law. If we thought for one moment that the commission would limit itself to the consideration of compensation, we would not, under any circumstances, put a time limit upon their operations. The question of compensation is a big one, and to say that the commission would do justice to the proposition in a few months would be asking them to do the impossible.

On the other hand, we felt sure then, and do now, that an employers' liability act, doing equal and even-handed justice to all concerned can be fully and thoroughly considered in a few months' time, because it does not need the investigation, research and information necessary as when considering compensation. In this connection it may be well to quote from a letter on this subject, written by Samuel Gompers, president of the American Federation of Labor, to the Chicago Federation of Labor. Mr. Gompers says:

WASHINGTON, D. C., Dec. 24, 1910.

Your favor of the 21st inst. with enclosure came duly to hand, and I perused both with a very great deal of interest. In connection with the bill introduced in the Legislature by Mr. Charles Naylor, let me say that I partly agree with the action taken, that is, in so far as employers' liability is concerned. There should be no question or division of opinion upon that subject. Indeed, there is none among intelligent, far-seeing and fair-minded men. The Illinois Legislature should enact a liberal employers' liability act at the special session and then undertake an investigation with a view of the introduction of an automatic compensation law, for that view observers now regard as the most feasible and just solution of the vocational ills, accidents and deaths.

You ask me to have a bill drafted upon the question of employers' liability for introduction in the Illinois Legislature at its present special session. The subject of drafting a comprehensive bill has been under consideration for several years, and reports thereon made, particularly to the last convention of the A. F. of L. in Toronto. The convention directed that these bills be printed, circulated and forwarded to the officers of the State Federations and central bodies with a view of their general introduction and the agitation for their enactment. I have not yet had a chance to have the bills printed, but will send you a typewritten copy in the course of a few days.

Fraternally yours,

(Signed) SAMUEL GOMPERS,
President American Federation of Labor.

The Chicago Federation of Labor has declared itself opposed to any kind of compensation until such time as we have an employers' liability law enacted, and the wisdom of this stand is shown in the attitude of the employers themselves. They have come to realize that on account of public opinion it is possible that the Legislature will be compelled to enact a law which will deprive them of so-called defenses, and before the so-called defenses are taken away from them by law they want us to barter away our rights to compensation by agreeing to a much less compensation than we are entitled to, they agreeing to forego the use of the so-called defenses.

At the public meeting of the commission held in this city August 24th and 25th the statement was made on the part of the employers that they, the employers, had some very valuable remedies at law, the so-called defenses, and they would not let go of them unless they had a satisfactory plan of compensation. Talk about the big noise and the big stick; the above statement, coming from the employers, is the big noise and the big stick combined.

To say, as has been said, that Labor is standing in its own light by opposing compensation, is "bunk," unadulterated. Those who use that statement know better than anyone else that Labor does not oppose a compensation plan. Labor demands an adequate automatic compensation plan, which will be brought about in a logical way in the development of legislation which must come as the result of the horrible maiming and slaughtering of our fellow workers in the various industries.

It has been said that an employers' liability law and a compensation plan are two progressive steps and should be taken together. This is the most dangerous argument we have had to contend with, because there is something in it which appeals to the casual observer and those who do not look behind the scenes. But no greater menace to the interests of the workers exists than to link these two questions together and consider them at one and the same time. A closer scrutiny of the principles involved will readily convince any open-minded, honest man that the fundamental principle of each proposition is absolutely contrary to the other.

After going over this whole matter in detail we can come to no other conclusion than that Labor has almost within its grasp the legislation we have sought these many years. All these other propositions injected at this time is only procrastination and to becloud the issue, and to get the workers wrangling among themselves as to the best course to pursue. Patience will bring results. To grasp what the commission would hand us, is but to grasp at a straw. Let us be true to ourselves and the employers will have a great awakening in the near future.

JOHN FITZPATRICK, *President*,
ED. N. NOCKELS, *Secretary*,
MRS. RAYMOND ROBBINS,
M. C. BUCKLEY,
F. DONOGHUE,
JERRY KAIN,
CHAS. GRASSEL,
For the Executive Board.
JOHN O'NEILL, *Chairman*,
CHAS. CURTIS, *Secretary*,
JOHN FLORA,
For the Legislative Committee.

The above letter was submitted to the commission by Messrs. Boyle and Flora, as indicative of their reasons for objecting to any kind of a Compensation Bill.

The employers thereupon submitted the following statement, expressing their views on the points raised by the Chicago Federation of Labor:

PRESENTED BY EMPLOYERS.

Sept. 14, 1910.

Hon. Chas. S. Deneen, Governor State of Illinois, Springfield, Illinois:

DEAR SIR—The commission, of which the undersigned were members, organized immediately after it was created on March 4, 1910, and devoted itself diligently to a careful study of the subject of employers' liability, involving the collection of reliable data on which to base conclusions, an investigation of the state of the law in Illinois in regard to the subject, and a study of what has been done by the leading industrial countries in Europe, and what was under consideration by similar commissions appointed in the states of New York, Wisconsin and Minnesota. On or about August 1st a tentative plan outlining the main purposes of such a measure as the commission had in mind was formulated, and was submitted for the purpose of provoking discussion and criticism in public meetings held in East St. Louis, Springfield, Rock Island, Peoria and Chicago. The plan submitted at these meetings comprised in its essence the salient features of workingmen's compensation act. Immediately after the last public hearing a bill was prepared by the attorney of the commission, incorporating in general the features of the plan, with such modifications as were suggested by the public discussions, and after numerous changes suggested by different members of the commission the final draft of a bill, as follows, was submitted to vote.

The failure to recommend a bill under the conditions prescribed by the Act creating the commissions was due in large measure, in the opinion of your subscribers, to the limited time at the disposal of the commission.

The necessity for submitting a final report on September 15th left the commission no time for the publication of the draft of the completed bill, and for the creation of public sentiment in its favor; neither did it afford to the members of the commission the opportunity of finding a common ground on which a majority of each side could meet.

In spite of the fact that every one of the industrial nations of Europe has discarded the system of paying damages on the ground of the liability of the employer, and has adopted in its stead the payment of compensation for industrial accidents; in spite of the fact that New York has adopted a workmen's compensation act, and that both Wisconsin and Minnesota are considering compensation as the only feasible solution of this problem, the Chicago Federation of Labor and its representatives on the commission have taken a decided stand that the abrogation of the employers' defenses must precede any bill providing compensation.

It is evident from the letter which the federation submits, and which is reprinted on page 31, that its officers are not only unfamiliar or unmindful of the economic waste involved in any employers' liability system, but that they have no knowledge of the total inadequacy of such a system, even when extended by such serious modification of the employers' defenses as the American Federation of Labor advocates.

The Bulletin for the Bureau of Labor for January, 1908, gives on page 120 the statistics of 46,000 industrial accidents collected by the German Imperial Insurance office.

The classification of the causes of the accidents is as follows:

		PER CENT.
1.	Due to negligence or fault of employer	16.81
2.	Due to joint negligence of employer and injured employé	4.66
3.	Due to negligence of co-employés (fellow servants)	5.28
4.	Due to acts of God	1.31
5.	Due to fault or negligence of employé	28.89
6.	Due to inevitable accidents connected with the employment	42.05
		100.00

If this classification is correct, and the statistics of German Government Bureaus are not often open to suspicion, then if under existing conditions 17 out of every 100 injured persons are entitled to recover, the abrogation of

the fellow servant doctrine, and the modification of the defenses of assumed risk and contributory negligence, all as recommended by the American Federation of Labor, will increase the number of those entitled to recover to 27 out of every 100 injured. But the remaining 73 will continue to add their quota to the long list of unrewarded sacrifices to modern industry.

Not only is any employers' liability law, no matter how stringent, wholly inadequate to cover the losses resulting from industrial accidents, but the administration of such a law is wasteful and unsatisfactory.

The cost of compensating workmen for injuries is in the last analysis borne by the public, and the interests of the public demand that no system of compensation shall carry with it preventable waste. To the injured workman, or to his family, definite compensation, immediately and automatically paid, is of vital importance. But an employers' liability law meets none of these prime necessities.

Under it every case is a gamble. A shrewd attorney and a sympathetic jury mean a big verdict, and an equally good case, poorly handled, often results in none. But the employer is compelled to prepare each case as if a big verdict were imminent, and he is forced to put up a hard legal fight on that account.

During 1908, $22,000,000 was contributed by the employers of the United States to liability insurance companies to carry their accident risk, and of this amount not more than $5,500,000 reached the injured workmen, or his dependents—an economic waste of $16,500,000. Double the chances of recovery by an abrogation or modification of the employers' defenses and you but double the premium and increase the waste to $33,000,000.

Surely a system involving such a waste in its administration cannot be regarded with equanimity by the public. Nor when once understood would it receive sanction by any body of workmen. The law's delay, at present so often the cause of bitter complaint, would in no wise be improved by the enactment of a stringent liability measure. In fact, the machinery of the courts would be subjected to severer strain than at present.

And beyond that, the very ground on which damages are assessed under a liability act, viz, the fault or negligence of the employer, if often irrational and unjust. When an employer has surrounded his workmen with every proper safeguard, and when he has exercised proper care in the selection of his workmen and his agents, he resents a demand for damages because he has been at fault or has been guilty of negligence.

In the opinion of the undersigned, the problem of industrial accidents cannot be solved satisfactorily to all concerned until the question is taken out of the realm of tort and placed on the basis of definite compensation automatically paid. But this opinion is, unfortunately, not shared at this time by some of our labor colleagues. They state that for the past generation the workers have discussed the question of employers' liability, that they are familiar with it in all its bearings, and that they can measure the advantage to themselves of any modification of existing employers' liability laws.

Such, however, is not true concerning a workmen's compensation act. The subject is still new to them. It has not been generally discussed among them, and they find it difficult on that account to predict or foresee the result. We believe that all of our labor colleagues on the commission agree that the scale of compensation submitted in the plan is at least from four to five times that received under present conditions. But in spite of that, some of them are unwilling to subscribe to a measure which has not the full approval of the organizations which they represent, and insist that the commission draft and submit an employers' liability bill along the lines recommended by the American Federation of Labor. This demand was opposed by all of the employers, for the reasons hereinbefore stated, and the division of the commission on this question was so marked as to preclude any opportunity of agreement on the details.

In spite of the short time allowed the commission, the draft of the bill submitted in this letter represents a very positive step in advance, and had

further time been allowed for both employers and employés to familiarize themselves with its terms and its scope, we are certain that a definite bill could have been agreed upon.

The scale of compensation outlined in the plan meant for the hazardous employments a very considerable increase in expense; and in the opinion of the employers on the commission this scale is all that can be allowed until the industries which compete with those of other states have been able to adjust themselves to so radical a change from existing conditions. Our labor colleagues have been too apt to base their conception of compensation on the amount which in their opinion the very large corporations like the U. S. Steel Co., the Harvester Co., and the packing companies were able to pay, and have at times been forgetful of the many thousand small employers in the State upon whom the bill, of necessity, must impose similar burdens. The conditions in certain industries in Chicago cannot, and should not, be made the sole basis for legislation for the rest of the State.

The method of providing for arbitration in the draft submitted is, in the opinion of your subscribers, inferior to one in which all questions pertaining to the Compensation Act would be submitted to a regular and permanent Board of Arbitration and Award; but the attorney for the commission hesitated about incorporating the authorization of such a body in the provisions of the bill.

The undersigned have been prompted to submit to you this letter, in order to call to your attention, and to that of the Legislature, the chief difficulties that have stood in the way of an agreement, and in order to assist, if possible, the crystallization of public opinion on this important question.

Yours very truly,

CHARLES PIEZ,
W. J. JACKSON,
P. H. PETERSON,
M. B. STARRING,
E. T. BENT,
R. E. CONWAY.

This concluded the active work of the commission, the final day being devoted to the closing up of details.

Respectfully submitted,

CHARLES PIEZ, *Chairman.*
EDWIN R. WRIGHT, *Secretary.*

ATTORNEYS FINAL REPORT AND RECOMMENDATIONS.

The commission having determined, tentatively, upon the workmen's compensation plan, as probably the most desirable method of covering, by legislation, the entire field of liability for industrial accidents, requested a report from its attorney upon the applicability of the workmen's compensation plan (based upon the English and similar systems) to the general conditions existing in the State of Illinois, and the constitutionality of such a law here.

CONSTITUTIONALITY OF WORKMEN'S COMPENSATION LAWS.

(By Samuel A. Harper, of Chicago.)

The general question involved in a discussion of the constitutionality of a workmen's compensation law in this State is: Can the Legislature change the basis of recovery between employé and employer from the negligence or fault of the employer to an absolute liability, based on the ordinary and inherent risks of the industry?

The right of the employé to recover damages from his employer for personal injury received by the employé in the course of his employment has existed for many years, at common law. About three hundred years ago the courts adopted the doctrine of *respondent superior*, which extended the liability of the employer for such personal injury to the negligent acts of the employer's agents and servants. This general common law right of the employé existed at the time of the adoption of the Constitution of the United States and of the Constitution of the State of Illinois, and is merely one of a large class of so-called tort cases, in which one person injured by the negligence of another has a right of redress, for the wrong committed, in the form of compensation for the damages which he has sustained.

No other method of legal compensation is known to American law today. The common law of England, including this rule in regard to tort liability, has been adopted in this country, and our various constitutions and bills of right have been adopted with reference thereto. In addition to this, the Legislature of the State of Illinois provided by statute enacted in 1874, four years after the adoption of our present Constitution, that "the common law of England, so far as the same is applicable, and of a general nature, and all statutes or acts of the British Parliament, made in aid thereof, and to supply the defects of the common law * * * and which are of a general nature, and not local to that Kingdom, shall be the rule of decision, and shall be considered of full force until repealed by legislative authority."

Hurd's Rev. Stat., ch. 28, p. 485.

While the common law rules regulating the relation of master and servant have remained practically unchanged in Illinois, nearly every country in Europe has adopted a legislative plan of automatic compensation for accidental injuries which disregards entirely the question of the master's fault or negligence. England began its legislative changes in the law of employer's liability with the Gladstone Act of 1880; and after adding various amendments during the next seventeen years, finally adopted the Chamberlain Act of 1897, which is a compensation law, based on trade risk. This statute, with the amendments which have since been made enlarging the scope of the original act, is now the law of England.

European countries, of course, have no written constitutions or bills of right, which may not at any time, in the legislative judgment, be amended by legislative enactment, and the adoption of workmen's compensation laws have not, therefore, been fraught with the legal difficulties necessarily involved in any such attempted legislation in this country. The English Parliament has a perfect right to amend Magna Charta itself by legislative act, it if sees fit to do so, whereas the written constitutions of the states are not subject to legislative change, and the organic law can only be amended by the cumbersome and difficult method prescribed in the constitution itself.

In the absence of a constitutional amendment, therefore, a compulsory workmen's compensation law in the State of Illinois, or in any other state in the Union, must find its justification in the general police power of the State, to the reasonable exercise of which all constitutional provisions are subject.

Reverting, then, to the question stated at the outset, the proposition to be determined is whether the Legislature of the State of Illinois can pass a law, in the exercise of the police power of the State, providing for a compulsory system of compensation for industrial accidents, regardless of all questions of fault or negligence.

Dual Form of Government.

A comprehensive discussion of this question would seem to require some consideration at the beginning of the dual form of government under which we live.

The government of the United States is one of delegated and enumerated powers, the National Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National government assumes to possess. In this respect it differs from the constitutions of the several states, which are not grants of power to the states, but which apportion and impose restrictions upon the powers which the states inherently possess. The National government has only those powers which are granted to it by the Constitution, while the state government possesses all those inherent powers of sovereignty which are not expressly limited or taken away by the state constitution, or exclusively granted to the National government by the Federal Constitution.

Cooley's Cons. Lim., 7th Ed., p. 11.

The police power of the state is neither exclusively granted to the National government by the Federal Constitution nor denied by the state constitution to the state itself.

The amendments to the Federal Constitution, among other things, provide:

"Article IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

"Article X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

It is well settled that the police power is one of the incidents of sovereignty, which neither national nor state constitution has granted away or limited, and that it inheres in the State as well as in the Federal government, and cannot be bartered or contracted away.

U. S. v. DeWitt, 9 Wall., 41.

Slaughter House Cases, 16 Wall., 36.

Barbier v. Connolly, 113 U. S., 27.

Mugler v. Kansas, 123 U. S., 623.

It is even held that the commerce clause of the Federal constitution, which provides:

"Congress shall have power * * * to regulate commerce with foreign nations and among the several states and with the Indian tribes * * *." (Constitution of U. S., Art. 1, Sec. 8.)

was not intended to take away the police power of the states, it being construed merely as a limitation upon the powers of the states, requiring them to restrict the exercise of their police power to matters of local concern, and to refrain from attempting to regulate conditions, with regard to which Congress had already acted in a proper way.

The Police Power.

The subject of compulsory compensation falling then directly within the police power, and the State having, as we have seen, a clear and undisputed right to its exercise, it becomes important to inquire just what is meant by the term "police power" as used by the courts.

Judge Cooley described the police power in general terms, as follows:

"The police power of a State in a comprehensive sense embraces its whole system of internal regulation, by which the State seeks not only to preserve the public order and to prevent offenses against the State, but also to establish for the intercourse of citizen with citizen, those rules of good manners and good neighborhood, which are calculated to prevent a conflict of rights and to insure to each the uninterrupted enjoyment of his own, so far as is reasonably consistent with a like enjoyment of rights by others."

Cooley's Const. Lim. (6th Ed.), 704.

Professor Freund, in the introduction of his "Police Power," defines the term as

"The power of promoting the public welfare by restraining and regulating the use of liberty and property."

Freund, Police Power, p. iii.

Professor George F. Tucker of the Boston Law School has given it the following modern application:

"Police power is the name given to that inherent sovereignty which it is the right and duty of the government or its agents to exercise whenever public policy in a broad sense demands, for the benefit of society at large, regulations to guard its morals, safety, health, order, or to insure in any respect such economic conditions as an advancing civilization of a highly complex character requires."

8 Cyc., 863.

In seeking to apply the principles of the law relating to the police power of the State, to the specific question of compulsory compensation based solely on trade risk, we are confronted with three questions of paramount importance and difficulty:

1. How far may the rule of absolute liability be imposed upon the master for injuries to his servant?
2. How far may the right of trial by jury of both master and servant be limited?
3. How may the classification of affected trades be made so as to be considered reasonable and not arbitrary?

I. THE RULE OF ABSOLUTE LIABILITY.

The great power vested in a State and its subordinate agencies, called the police power, under which life, liberty and property may be taken existed from the dawn of government, was recognized in the colonies at the time of the Declaration of Independence, and was always exercised by the states, notwtihstanding clauses in their own constitutions, declaring that no person should be deprived of life, liberty or property without due process of law, and the exercise of such power by the states was always held to be entirely consistent with such constitutional provisions. These powers cannot properly be called exceptions from the constitutional demand of due process of law, for they are in themselves due process. When the Fourteenth Amendment was adopted it came not to destroy rights existing in the states; it did not undertake even to define due process of law or to declare or indicate what already were or should thereafter be the legitimate powers of the states; it used only the common law expression "due process of law," as a local phrase of common import, describing a pre-existing thing. The amendment neither originated, enlarged nor narrowed that expression in its meaning. Plainly, then, this amendment and the similar provision in our State Constitution does not in any way impair the lawful police power of the State.

Brannon on Fourteenth Amendment, p. 167, 168.

The moment the State, however, by any of its agencies, attempts to interfere in any way with the personal relationship of master and servant or to regulate in any manner the express or implied contract of hiring, the cry becomes loud and persistent that personal freedom of action and the individual liberty of contract must be preserved, and any effort made by the Legislature to impose a rule of absolute liability upon the master for injuries to the servant, disturbing, as it must, the private arrangement which they have voluntarily made between themselves, will naturally be met with the same objection.

Aside from those cases involving questions of contributory negligence, practically all cases in which the master is held not to be liable for the injury to the servant, are actions in which the servant is virtually held to have agreed, as a matter of law, upon entering into the contract of hiring, that he assumes the risk of the injury complained of. It is sometimes spoken of as an implied term of the contract of hiring.

But even the right to make simple contracts of hiring is not, in the proper sense, an absolute and unqualified natural right, free from all legislative interference, for the courts have in recent years, in a great variety of cases, sustained the reasonable exercise of legislative authority touching matters of private contract.

Muller v. Oregon, 208 U. S., 412.
Ritchie v. Wayman et al, 244 Ill., 509.
Holden v. Hardy, 169 U. S., 366.

The idea that the right of contract is an absolute and unrestricted one and that men can fix their rights and duties by agreement has been termed "an unruly and anarchial idea. If there is to be any law at all, contract must be taught to know its place."

2 Poll. & Maitland's History of English Law, 2d Ed., 232.

1 Andrews' American Law, 2d Ed., sec. 1045.

Any student of politics will observe that unlimited freedom of action and the absolute, untrammelled right of contract have, at times, led to extravagant political inequality, and also permitted individual servitude in no way distinguishable from slavery; and all must agree that by no form of contract or consent can one man confer upon another the power to exercise such physical restraint upon his liberty.

Mill on Liberty, ch. 5.

1 Andrews' Amer. Law, 2d Ed., sec. 462, p. 582.

The relation of service may rest on voluntary contract and yet be contrary to public policy. It has been held that this may be so, for the reason that the conditions of the contract subject the servant or employé to the arbitrary discretion of the employer.

Parsons v. Trask, 7 Gray, 473.

Matter of Mary Clark, 1 Blackf., 122.

It is often overlooked that liberty has been brought about quite as much by the limitation of the right of contract as by limitations upon governmental power.

See Justice Holmes' opinion in Lochner v. New York, 198 U. S., 75.

Mr. Bryce says that:

"The hesitation shown by American states in interfering with the individual rights of citizens is not due so much to constitutional objections as it is to the ingrown doctrines of individualism, which the history of the country and the circumstances of its origin have done so much to encourage."

2 Bryce Amer. Commonwealth, 410.

The constitutional provisions to which Mr. Bryce refers, and which are so often invoked in an attempt to nullify the police regulations of the State are,

(Amendments to the Federal constitution:)

"Article V. No person shall * * * be deprived of life, liberty or property without due process of law * * *."

"Article XIV, Sec. 1. * * * No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

And:

(Illinois Constitution:)

"Article II, Sec. 1. All men are by nature free and independent, and have certain inherent and inalienable rights—among them are life, liberty and the pursuit of happiness * * *."

"Sec. 2. No person shall be deprived of life, liberty or property without due process of law * * *."

The quotation from the Illinois Constitution, Art. II, Sec. 2, *supra*, is in substance the provision contained in the Declaration of Independence, and is the clause which has been incorporated in the constitution of practically every state in the Union. This provision follows practically the language of Magna Charta, which is:

"No freeman shall be imprisoned or disseized of his freehold, liberties or privileges or outlawed or exiled or in any manner deprived of his life, liberty or property, but by the judgment of his peers or the law of the land."

These constitutional provisions would seem to interpose an almost insurmountable obstacle in the way of any legislation imposing a rule of absolute liability upon the master, whereby his property would be taken away from him and given to the servant in compensation for any injury for which, at common law, the master could in no way be held responsible.

It is interesting to note, however, historically, that the Supreme Court

of Illinois, in any early case, in passing upon the scope of the provisions from Magna Charta, quoted *supra*, held that it applied originally to criminal charges only, and said that:

"It it was also intended to relate to civil proceedings, it must be taken in a very limited and restricted sense."

Rheinhart v. Schuyler, 7 Ill., 473, 520.

And it has many times been held that a statute does not work such a deprivation of property "without due process of law," *in the constitutional sense*, simply because it imposes burdens or abridges freedom of action or regulates occupations, or subjects individuals or property to restraints which are reasonably necessary, in the legislative judgment, for the general welfare of the people. Legislation, under the police power, infringes the constitutional guaranty only when it is extended to subjects not within its scope and purview, as that power was defined and understood when the Constitution was adopted.

People v. Budd, 117 N. Y., 1.

Even the practical confiscation resulting from the enforcement of prohibition and oleomargarine laws, is within the police power of the State, and is not considered the taking of property without compensation, within the constitutional inhibition.

Mugler v. Kansas, 123 U. S., 523.

Powell v. Pennsylvania, 127 U. S., 678.

Many instances of the application of the rule of absolute liability and the practical confiscation of property thereby, are to be found in the books.

For example, a statute of the state of Kansas makes railroad companies liable for damage done by fire escaping from the locomotive engines of the railroad company, regardless of any question of negligence, the statute only requiring that the injured person prove in the first instance that the damage has been done and that the injury is the proximate result of the accident. The Supreme Court of the United States, in passing upon this statute, held it to be a proper exercise of the police power, and not in conflict with the Fourteenth Amendment. The court, among other things, said:

"The dangerous element employed and the hazards to persons and property, arising from the running of trains and the operation of railroads, justifies such a law; and the fact that all persons and corporations brought under its influence are subjected to the same duties and liabilities under similar circumstances, disposes of the objections raised * * *."

"It is also a maxim of constitutional law that a Legislature is presumed to have acted within constitutional limits, upon full knowledge of the facts, and with the purpose of promoting the interests of the people as a whole, and courts will not lightly hold that an act duly passed by the Legislature was one in the enactment of which it transcended its powers."

A., T., etc., Ry. Co. v. Matthews, 174 U. S., 96, 99, 104.

A similar decision was reached by the same court in passing upon a like statute of the state of Missouri.

St. Louis & San Francisco Ry. Co. v. Matthews, 165 U. S., 1.

In a similar case in Illinois our Supreme Court held that when it appears that fire has escaped from a railroad locomotive it will be presumed that the company was not employing the best known contrivances to retain the fire, and it will, to rebut this presumption, devolve upon the company to show that such machinery was thus employed and in repair. Mr. Justice Breese, writing a separate opinion, in discussing the dangerous character of the railroad industry, says:

"I cannot believe there is the slightest analogy between individual action and conduct, and that of an association running and controlling such danderous machines as railroad locomotives. Nor can I think the care and diligence a prudent man would use about his own property is of the same grade as that required of railroad companies. For the safety of the people and their property, a degree much higher ought to be required. The care and diligence required in every case should have some relation or affinity to the nature of the business, and to the instrumentalities by which it is conducted."

Another instance of the imposition of a new liability unknown to the common law, is the so-called dramshop legislation of New York, Illinois and other states. These statutes, as a general rule, make the owner of the premises leased by him for saloon purposes responsible in damages to any person suffering loss by reason of the injury or death of another person caused by the sale of intoxicating liquors. The New York Court of Appeals, in passing upon the New York statute and sustaining its constitutionality, among other things, said:

"And the act of 1873 is not invalid because it creates a right of action and imposes a liability not known to the common law. There is no such limit to legislative power. The Legislature may alter or repeal the common law. It may create new offenses, enlarge the scope of civil remedies and fasten responsibility for injuries upon persons against whom the common law gives no remedy. We do not mean that the Legislature may impose upon one man liability for an injury suffered by another, with which he had no connection.

"But it may change the rule of the common law, which looks only to the proximate cause of the mischief, in attaching legal responsibility, and allow a recovery to be had against those whose acts contribute, although remotely, to produce it. This is what the Legislature has done in the act of 1873. That there is or may be a relation, in the nature of cause and effect, between the act of selling or giving away intoxicating liquors, and the injuries for which a remedy is given, is apparent, and upon this relation the Legislature has proceeded in enacting the law in question. It is an extension, by the Legislature, of the principle expressed in the maxim, '*Sic uter tuo ut alienum non laedas*,' to cases to which it had not before been applied, and the propriety of such an application is a legislative and not a judicial question."

Bertholf v. O'Reilly, 74 N. Y., 509.

Our Supreme Court, in passing upon the Illinois law, held that it did not deprive the owner of his property without due process of law, and expressly approved of Bertholf v. O'Reilly, *supra*, in the following language:

"In Bertholf v. O'Reilly, 74 N. Y., 509, it was held that the owner of a building who lets it to be occupied for the sale of intoxicating liquors, assumes the risk of having a lien imposed by a statute enforced by a decree of court in favor of any one who has secured a judgment against the seller for injury to his means of support. He may let or use his premises as a place for the sale of liquors, subject to the liability which an act of that kind imposes. The Supreme Court of Kansas has also held that a law subjecting premises leased or occupied for the sale of intoxicating liquor to a lien for fines and costs assessed against the occupant does not contravene any provision of the Constitution. (Hardten v. State, 32 Kan., 637.) The Supreme Court of Ohio has held that the provision of a statute practically identical with our own (Streeter v. People, 69 Ill., 595), authorizing subjecting the property of the owner to the payment of a judgment recovered against his lessee, does not violate the Constitution or deprive the lessor of his property without due process of law; that a judgment not obtained by fraud or collusion is conclusive against the owner, both as to the sales and to the damages resulting therefrom, and that in a proceeding to subject the property to the judgment it is only necessary to allege the facts which, under the statute, make the premises liable. (Millen v. Peck, 49 Ohio St., 447; Gordon v. Hailes, 59 id. 342.)"

Wall v. Allen, 244 Ill., 456, 463.

Another example of legislation changing the rules of common law, is to be found in the statutes providing for the registration of land titles, commonly known as the "Torrens System." Under our constitutional provision that no man shall be deprived of his property without due process of law, it has been maintained that those statutes are unconstitutional, because registration makes the title absolute and not open to subsequent attack, however meritorious may be the claim; and also because there is no sufficient notice required to be given to and no sufficient process against persons having claims adverse to the applicant for title registration, etc. The constitutionality of these laws, however, has been sustained in Illinois, Minnesota, Massachusetts, Colorado, Oregon, etc. Brewster on Conveyancing, sec. 436.

Another striking illustration showing the extent to which State legislatures

have gone in imposing a liability unknown to the common law, is to be found in the various Pauper acts adopted by many of the states of the Union, following the precedent set by England in the Statute of 43 Elizabeth. We have such a statute in Illinois, which has been sustained by our Supreme Court as a legitimate exercise of legislative power. The court, in passing upon the law, discusses it in the following language:

"The principal objections urged by appellee to the case made by the complaint, challenge the constitutionality of section 1 of the statute in relation to paupers, which provides that every poor person who shall be unable to earn a livelihood in consequence of any bodily infirmity, idiocy, lunacy or other unavoidable cause, and provided the pauperism is not caused by intemperance or other bad conduct, shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brothers or sisters of such poor person, if they or either of them, be of sufficient ability. * * * "He questions the power of the Legislature to compel a man, in any event, to support his indigent brothers or sisters, and urges the unconstitutionality of the statute on these two grounds: First, that the Legislature has no power to impose upon a citizen a liability of this character, and, second, that the method prescribed by the statute for its enforcement deprives him of that due process of law to which he is entitled." * * * "It is urged that our statute is a plain attempt on the part of our Legislature to impose upon one person a legal liability for the support of another where no such legal duty or liability existed at common law, and is taking one man's property for the use of another without the owner's consent. * * * "It can hardly be said that there is no moral duty whatever imposed upon a man who has sufficient financial ability, consistently with his duty to himself, and to others, to supply the necessaries of life to a brother or sister who is unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy, or other unavoidable cause, in cases where such brother or sister did not become a pauper from intemperance or other bad conduct. This being so, our statute stands upon the same footing, so far as legal principle is involved, that the statute of Elizabeth stands upon. The support of the poor is a public duty, and in case of the default of him upon whom is imposed a prior duty to afford such support, the cost of providing the same will be upon the politic. The object of both the statute of Elizabeth and of our existing statute is to protect the public from loss occasioned by neglect of a moral or natural duty imposed on individuals, and to do this by transforming the imperfect moral duty into a statutory and legal liability. And the right of the legislative department of government to change an imperfect duty into a perfect duty, or even to create by statute a new legal liability, has been recognized from time immemorial."

People v. Hill, 163 Ill., 186, 189, 190.

This statute would seem to be peculiarly applicable as a precedent for legislation providing for compulsory compensation for industrial injuries, at least 50 per cent of which inevitably occur, if the business is to be conducted under modern conditions. The injuries could not occur but for the conduct of the business from which the employer makes his profit—and it might therefore with reason be argued that all that is sought to be done by a compulsory compensation law, is to "change what is a moral duty into a legal liability, thus lessening a public burden," which the court in the Hill case, *supra*, expressly decides the Legislature may do.

Again, statutes imposing an absolute rule of liability upon railroad companies for injuries to passengers, and making them insurers of the safety of such passengers, have been sustained. For example, the statute of Nebraska (Complied Laws of Nebraska, 1889, sec. 3, c. 72), provides that:

"Every railroad company as aforesaid, shall be liable for all damages inflicted upon the person of passengers while being transported over its road except in cases where the injury done arises from the criminal negligence of the person injured, or when the injury complained of shall be the violation of some express rule or regulation of said road actually brought to his or her notice."

This statute was sustained by the Supreme Court of the United States as a legitimate exercise of the State's police power. The Court said:

"Our jurisprudence affords examples of legal liability without fault, and of the deprivation of property, without fault being attributable to its owner. The law of deodands was such an example. The personification of the ship in admiralty law, is another. Other examples are afforded in the liability of the husband for the torts of the wife—the liability of the master (to third persons) for the acts of his servants.

"In Missouri Railway Company v. Mackay, 127 U. S., 205, a statute of Kansas abrogating the common law rule exempting a master from liability to a servant for the negligence of a fellow servant, was sustained against the contention that such statute violated the fourteenth amendment of the Constitution of the United States." * * * "It seemed to the able judges who decided Coggs v. Bernard, that on account of the conditions which then surrounded common carriers, public policy required responsibility on their part for all injuries to and losses of goods intrusted to them, except such injuries and losses which occurred from the acts of God or public enemies, and many years afterwards Chancellor Kent praised the decision of cases which declined to relax the rule to excuse carriers for losses by fire." * * * "The common law doctrine was declared by Chief Justice Holt, in Coggs v. Bernard, to be 'a politic establishment, contrived by the policy of the law for the safety of all persons, the necessity of whose affairs obliges them to trust these sorts of persons, that they may be safe in their ways of dealing." * * * That reason may not apply to passengers, but other reasons do which arise from the conditions which exist and surround modern railroad transportation, and which may be considered as strongly justifying a rule of responsibility for injury to passengers which makes sure, as the common law rule does, that responsibility be not avoided by excuses which do not exist, or the disproof of which might be impossible."

C., R. I. & P. Railway Company v. Zernecke, 185 U. S., 582, 586, 587.

The law of deodands, from the Latin *Deo dandum* (a thing to be given to God), was a rule of the English law providing that any personal chattel which was the immediate occasion of the death of any creature, should be forfeited to the Crown to be applied to pious uses and distributed in alms by the High Almoner. 1 Hale, P. C., 419.

Also, in St. Louis, etc., Railroad Company v. Matthews, the Federal Supreme Court says:

"We consider this to be a statute purely remedial and not penal. Railroad companies acquire large profits by their business, but their business is of such a nature as necessarily to expose the property of others to danger. And yet on account of their great accommodation and advantage to the public, companies are authorized by law to maintain them, dangerous though they are, and so they cannot be regarded as a nuisance. The manifest intent and design of this statute, we think, as a legal effect, are to afford some indemnity against such risk to those who are exposed to it and to throw responsibility on those who are thus authorized to use a somewhat dangerous apparatus and who realize a profit from it."

St. Louis, etc., Railroad Company v. Matthews, 165 U. S., 1;

See also Missouri Ry. Co. v. Mackey, 127 U. S., 205.

The Illinois Legislature many years ago (1874) provided that it should not be lawful for any common carrier to limit in any way his common law liability safely to deliver property received for carriage by any sort of stipulation or agreement, and the same provision was specifically made to cover railroads by the General Railroad Incorporation Act of 1891.

Hurd's Rev. Stat., 1908, chap. 27, p. 485; chap. 114, p. 1679.

It would not seem unreasonable to expect the State to exhibit the same anxiety for the safety of employés engaged in hazardous trades, and to extend to them the protection of the same rule of responsibility now imposed for the protection of the persons and property transported by railroad companies, especially when we remember that the common law rules

of liability generally represented an attempt to establish principles which would secure justice under the conditions which existed at the time of their adoption, which conditions, we all agree, have radically changed.

It may be argued that the analogy is not perfect, and that the employé occupies an entirely different position from that of the passenger or shipper, for the reason that he is not bound to accept the employment and incur the incidental hazards thereof unless he sees fit to do so, but a more thoughtful consideration of the real relations existing between the employer and the employé in modern industry, suggests that the employer and the employé do not stand upon a plane of equality at the time of entering into the contract of hiring. The courts are beginning to recognize this actual inequality, and there would seem to be no good reason why it should not be recognized and considered.

The Supreme Court of the United States, in Holden v. Hardy, in sustaining a statute of the State of Utah providing for an eight-hour day for workmen in underground mines, in referring to this inequality between employer and employé, says:

"The Legislature has also recognized the fact, which the experience of Legislators in many states has corroborated, that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employés, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules and the laborers are practically constrained to obey them. In such cases self-interest if often an unsafe guide, and the Legislature may properly interpose its authority." (p. 397.)

Harbison v. Knoxville Iron Co., 183 U. S., 13; S. C. 53, S. W. 955.

Mr. Tiedeman discusses this matter of inequality, as follows:

"If the legal equality which is often declared to exist between employer and employé was a reality instead of a legal fiction, the laborer would not seek legislative interference in his contractural relations with the employer more actively than does the employer. For since the employer and the employé are equally guaranteed the liberty of making common law contracts under certain proper restrictions, each is free to make whatever contracts he sees fit, subject only to such reasonable restrictions as are imposed for the public good. If such legal equality were a reality, the laborer would felicitate himself upon his constitutional right to accept or reject the terms of employment which were proposed to him. But as a matter of fact, there can be no substantial equality between the man who has not wherewith to provide himself with food and shelter for the current day, and one, whether you call him capitalist or employer, who is able to put the former into a position to earn his food and shelter. The employer occupies a vantage ground which enables him in a majority of cases to practically dictate the terms of employment."

1 Tiedeman on State and Federal Control of Persons and Property, pp. 315-326.

The Supreme Court of Kansas in a recent case characterizes this doctrine of equality in the following vigorous language: "The liberty of the wage earner to contract for extra pay for extra hazard and to seek some other employment if he does not like his master's methods, is a myth, or, as has been said, 'a heartless mockery.'" Caspar v. Lewin, 109 So. Rep., 667.

It will therefore be seen that the courts have construed this sort of legislation (viz: limiting the hours of labor of employés, providing that the employé be paid in cash instead of the employers' store orders, etc.), as an effort on the part of the Legislature to realize a new ideal of social justice, consisting of the neutralization of the natural inequalities existing today between employer and employé, by the governmental power of the State.

See Holden v. Hardy, 169 U. S., 366;

Dayton Iron Co. v. Barton, 183 U. S., 23;

A. T. & S. F. R. R. Co. v. Matthews, 174 U. S., 96;
Muller v. Oregon, 208 U. S., 412;
St. Louis, etc., R. Co. v. Paul, 173, U. S., 404.

It is of course true that a large part of the legislation of this character has been directed against transportation companies, and there are undoubtedly more legitimate reasons for extensive State regulation of a business which is generally acknowledged to be extra hazardous, than for regulating some of the less dangerous industries, but legislation of this sort has not stopped with railroad companies alone, but has been extended to corporations generally. The co-employé act of the state of Colorado abrogates the fellow servant rule, and practically makes the master liable in damages to his servant for every injury which he may sustain in the course of his employment, except where the servant is contributorily negligent. The Supreme Court of Colorado, in sustaining this Act, says:

"For the purpose of providing for the safety and protection of employés in the service of a common employer, the law-making power has the undoubted authority to abrogate the exception to the general rule of respondent superior in favor of the employer, and make him liable to one of his employés for damages caused by the negligence of another employé while acting within the scope of his employment, regardless of the fact that such employés are fellow servants. Dryburg v. Merker, G. M. & M. Co., 55 Pac. (Utah) 367; Mo. Pac. Ry. Co. v. Mackey, 127 U. S., 205."

V. C. G. M. v. Firstbrook, 36 Colo., 498, 512.

The exercise of this inherent power of sovereignty is frequently illustrated in the acts of the public authorities in preventing great disaster or in averting great public inconvenience or injury.

No property is more sacred than one's home, and yet a person's private residence may be pulled down or blown up by the public authorities if necessary to avert or stay a general conflagration, and this, too, without any recourse against such authorities for the trespass.

Bowditch v. Boston, 101 U. S., 16.
Sentell v. New Orleans, etc., 166 U. S. 698.

Other instances of the kind are found in the power to kill diseased cattle, to destroy infected goods or obscene books or pictures or gambling instruments (Gilman v. Philadelphia, 3 Wall., 713, 730), and in Lawton v. Steele, 152 U. S., 133, it was held to be within the police powers of a state to order the summary destruction of fishing nets, the use of which was likely to result in the extinction of valuable fisheries within the waters of the State.

The Federal Court has said that:

"The settled rule of this court is that the mere fact of pecuniary injury does not warrant the overthrow of legislation of a police character."

L'Hote v. New Orleans, 177 U. S., 587.

While the industries conducted in the State of Illinois in which men are frequently maimed and killed in the course of their employment, are not, of course, properly classed as nuisances, it is perhaps true that a great many of them would be so considered, except for the public necessity and general good, which are their justification. Were it not for these elements of public necessity and general welfare, many of the extra hazardous industries, as now conducted, might be summarily suppressed by the State in the interest of public safety. In the language of Judge Cooley:

"Many things are nuisances because they threaten calamity to the persons or property of others, and thereby cause injury though the calamity feared may never befall."

Cooley on Torts (1888) pp. 722, 724.

The police power is as broad and plenary as the taxing power (Coe v. Errol, 116 U. S., 517), and properly within the State is subject to the operation of the former so long as it is within the regulating restrictions of the latter (Kidd v. Peirson, 28 U. S., 1). And public charity, such as aid to the unfortunate classes, and matters of public health, have been held to constitute a public purpose authorizing taxation.

Booth v. Woodbury, 32 Conn., 118.
St. Mary's v. Brown, 45 Md., 310.
Solomon v. Tarver, 52 Ga., 405.
Anderson v. Kerns, 14 Ind., 199.

It would seem that by analogy to this power of taxation the State might properly impose a burden upon a hazardous industry to be borne in the first instance by the owner thereof, and shifted by him to the consumer in the form of an increased price for the product, when the immediate persons engaged in carrying on such industry and their dependents are ofttimes reduced to a state of pauperism, and thus made objects of public charity under the present system of compensation for industrial accidents.

Finally, to quote from Professor Freund in his work on the Police Power:

"The principle that inevitable loss should be borne, not by the person on whom it may happen to fall, but by the person who profits by the dangerous business to which the loss is incident, embodies a very intelligible idea of justice. * * * The system being responsible for the loss, why should it not be constitutional to distribute the loss among the beneficiaries of the system? * * * In a large sense the community is certainly interested in averting sudden and unexpected losses, as well as the destitution following from sickness and disease, and the distribution of these losses over a large number through insurance is a legitimate end of the governmental policy. There is no warrant for denying the State the power to adopt compulsory measures for the purpose."

Freund on Police Power, sec. 435, 437.

II—TRIAL BY JURY.

Undoubtedly the gravest constitutional difficulty in the way of adopting a compulsory compensation law are provisions of our constitution, Federal and State, preserving to all men the right of trial by jury.

The seventh amendment to the Constitution of the United States provides:

"In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." * * *

Article II of the Illinois Constitution, provides:

"Sec. 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate." * * *

"Sec. 13. Private property shall not be taken or damaged for the public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury as prescribed by law."

It will be readily seen that were it not for the reservation of this right of a jury trial, all other objections relating to due process of law, etc., would vanish away, because the Legislature, in providing a new statutory remedy for an existing condition, might also provide a statutory proceeding, sufficient in itself, for enforcing the liabilities and securing the benefits of such a statute. And while the constitutional provisions quoted *supra*, were not intended to and did not confer any new right of trial by jury, but merely preserved the right as it existed at the time of the adoption of the Constitution (Whitehurst v. Coleen, 53 Ill., 247), yet all actions for damages for wrongs to person or property, were triable by jury at common law, and were and are within the application of the constitutional provisions above quoted.

24 Cyc., 108.

It has been contended that a compensation law, being in the nature of a new statutory remedy, would not properly be subject to the objection that it deprived any person of the right of trial by jury, if such law included within its terms a sufficient and adequate stautory method of enforcing the provisions, either by arbitration or a trial by the court without the intervention of a jury. As stated by Judge Brannon: "It (the fourteenth amendment) does not prohibit a state from future new legislation, action or proceedings necessary in its judgment in the administration of its govern-

ment, so long as it bears alike on all similarly circumstanced and be not unusual, oppressive or arbitrary action assailing the essential rights of the person."

Brannon on fourteenth amendment, page 143, 144.

(See also, as bearing indirectly upon this proposition:

Martin v. Pittsburg, etc. Co., 203 U. S., 284.)

I am of the opinion, however, that inasmuch as this right of action for personal wrongs was a common law right and triable by jury at the time of the adoption of the Constitution, it is within the application of the constitutional provision, and that a general compensation law would as effectually take away that constitutional right, as would a direct statute expressly abrogating the right of trial by jury in tort cases between master and servant.

The general terms "due process of law," which the constitutions do not even attempt to define, are susceptible of a good deal of extension and enlargement by construction, and can be interpreted in such a manner as to embrace all reasonable police regulations which changing conditions seem to warrant—but the right of "trial by jury" can mean but one thing, and the constitutional provision preserving it is singularly inelastic, and it has practically the same scope today that it had when the constitution was adopted.

(a) Some limitations on the right of trial by jury.

At the outset it may be noted that the right of trial by jury was not guaranteed in express terms by Magna Charta, but the provisions that no freeman should be hurt in either his person or property, unless by the lawful judgment of his peers, or by the law of the land, was so construed.

Profatt Jury Tr., sec. 24.

Of course, after the controversy arises, the parties to the suit may waive their right to a jury and submit the questions in controversy to the decision of the court, in which case, the court obtains its power to try the issues of fact wholly from the agreement of the parties.

Traverse v. Wormer, 13 Ill., App. 39.

Indeed, our statute provides that "In all cases in any court or record in this State, if both parties shall agree, both matters of law and fact may be tried by the court."

Hurd's Rev. Stat., 1908, page 1628, sec. 60.

It has been held that the provisions of the Federal Constitution apply only to the Federal Courts, and that the states may, if they choose, provide for the trial of civil cases in the State courts without the intervention of a jury, provided, of course, that they shall not transcend the express limitations which they have placed upon themselves in their respective State constitutions.

Cooley's Con. Lim., 6th Ed., pages 29, 30.

Keith v. Henkleman, 173 Ill., 137.

Spies v. Illinois, 123 U. S., 131.

24 Cyc., 103.

The right of the jury trial in the State court is not a privilege or immunity of national citizenship which the fourteenth amendment prohibits the State from abridging; it only defends such privileges or immunities as arise from and are incident to national citizenship as such.

Brannon on Fourteenth Amendment, page 82.

The control of questions relating to public health was ordinarily, before the adoption of the Constitution, vested in boards or officers who were authorized to proceed in a summary manner without the intervention of a jury, and such cases, therefore, not coming within the application of the constitutional provision, do not now call for or require a jury trial.

24 Cyc., 130.

Metropolitan Bd. of Health v. Heister, 37 N. Y., 661.

We have also seen that the State and its agencies may take or injure the property of a person in times of great necessity or danger in a summary

manner without any due process of law or trial of any kind, and without compensation to the person injured, when the general safety or welfare of the people requires it.

The Constitution of the state of California authorizes prosecutions for felonies by information without indictment by a grand jury in the discretion of the Legislature. The penal code of the State following the constitutional authority makes provision for the prosecution of felonies by information and dispenses with the indictment by a grand jury. In sustaining this legislation under the California Constitution, the Supreme Court of the United States said:

"Any legal procedure, enforced by public authority, whether sanctioned by age and custom or newly devised in the discretion of the Legislature in furtherance of the general public good, must be held to be due process of law."

Hurtado v. California, 110 U. S., 537.

See also in re Debs, 158 U. S., 564.

We have also seen that pauper acts, imposing a liability for the support of indigent relatives, when there was no common-law duty of support, are held to be legal, and not an infringement of any constitutional right. In addition to the quotation made *supra* from People v. Hill, 163 Ill., 186, the court said, with reference to the right of trial by jury:

"The legal liability imposed is statutory, and the statute fixes the procedure by means of which the liability is to be enforced. * * * This procedure may not be in strict conformity with that provided by the English statute or that provided in some other states, but it is not necessarily invalid on that account. It is a statutory liability, and there is no reason why the procedure for its enforcement cannot be provided for in the statute fixing the liability. We are unable to see that the method of procedure adopted violates any constitutional right of appellee. It is suggested that it deprives him of the right of trial by jury. It is only the right of trial by jury 'as heretofore enjoyed' that section 5 of article II of the Constitution provides 'shall remain inviolate.' This section was not intended to confer the right of jury trial in any class of cases where it had not previously existed, nor was it intended to introduce it into special summary jurisdictions unknown to the common-law and which do not provide for that mode of trial. Ward v. Farwell, 97 Ill., 593; Cooley's Const. Lim. (6th Ed.) 504, and authorities cited in note 2."

People v. Hill, 163 Ill., 186, 192, 193.

In my judgment, this legislation presents the farthest extreme to which the State of Illinois has gone in limiting the right of trial by jury, and it finds its only justification in the statement by the court that the Legislature may, in the exercise of the police power, change what is a moral duty into a legal liability, thus lessening a public burden.

There are a great many other cases in which the right of trial by jury has either been limited or entirely denied, such as confessing of a judgment, entering into a recognizance, giving a mortgage, which, when recorded, may be enforced by *scire facias*, the imposition of taxes or assessments, the fixing of the amount of liability under a cost bond, cases in chancery, etc. It is also the usual practice, in most of the states, to assess damages for the taking of a right of way, without the intervention of a jury, and the Supreme Court of Pennsylvania has held a law constitutional which provided for assessing damages in the case of property destroyed by mobs, by an inquest of six men on inspection out of court. The decision is based on the ground that the constitutional guaranty of the right of trial by jury applies to the trial of issues in court, and not to an assessment of damages out of court.

Ross v. Irving, 14 Ill., 170, 181.

In the matter of the Pennsylvania Hall, 5 Barr., 204.

In my judgment, there would be nothing inconsistent with any theory of natural justice in taking away the right of trial by jury, so far as the servant is concerned, in cases where the injury occurs through the negligence of an agent or employé of the master, believed reasonably and in good

faith by the master to have been competent at the time of hiring. In other words, the doctrine of *respondeat superior* in cases of tort by an agent or servant of the master, might be abrogated and the doctrine of compulsory compensation substituted by legislative enactment in such cases.

In all cases where the injury results from the direct negligence or intentional act of the master, the servant would seem to have a clear right to his common law remedies against him, including the trial by jury. The extension of the liability of the master, however, to cover the negligent acts of a servant or agent, is a comparatively recent, judge-made privilege given to the employé, and what has thus been given him, might in reason be taken away, in the exercise of the reasonable police power of the State.

Even this opinion, however, is clouded by the consciousness that the doctrine of *respondent superior*, and the employé's rights thereunder existed at the time of the adoption of the constitutional provision, and might therefore be held to be within its application.

(b) *Arbitration.*

It is obvious that one of the main purposes of an automatic compensation law is to avoid, so far as possible, the delay and expense incident to the ordinary court proceedings for the recovery of damages for personal injuries. It would therefore seem wise to include in any compensation scheme a provision for the arbitration of any differences which might arise between employer and employé, if a feasible plan therefor could be devised.

In considering the applicability of the principles of arbitration to a compulsory compensation plan it should be observed that the arbitration method of settling disputed points may be provided:

1. By agreement of the parties; and,
2. By legislative enactment.

It would undoubtedly be quite proper for the Legislature to provide that the parties interested in any claim for compensation might voluntarily agree to arbitate any differences which might arise between them.

As a general rule, agreements to refer disputes to arbitration present an example of what the common law regarded as attempts to oust the jurisdiction of the courts and therefore against public policy. The reason for the rule adopted by the courts is by some traced to the jealousy of the courts and to a desire to repress all attempts to encroach on the exclusiveness of their jurisdiction; and by others to an aversion of the courts, from reasons of public policy, to sanction contracts by which the protection which the law affords the individual citizen is removed. But whatever may be the reason, it is a well-established rule of the common law that a clause in an agreement or a separate agreement that any or all disputes which may arise thereunder shall be referred to an arbitrator or arbitrators is unenforcible, as an attempt to oust the courts of jurisdiction, and either party may have recourse to the courts without carrying out his agreement to refer. There is a strong tendency in modern times to relax the common law rule, and in some states the settlement of disputes by arbitration is permitted by statute. Such a statute is in force in the State of Illinois. (Hurd's Rev. Stat., 1902, chap. 10).

There is also a qualification made in the modern decisions, following an English case, which is this: That it is not illegal for parties to agree to arbitration as a condition precedent to suit, with respect to the mode of settling the amount of damages or the time of paying it or any matters of that kind, that do not go to the root of the action, and that if an agreement does not deprive a person absolutely of his right to sue, but only renders it a condition precedent that the amount to be recovered shall first be ascertained by a committee of arbitrators, such an agreement is held not to be an attempt to oust the courts of their jurisdiction.

9 Cyc., 511-513.

Niagara Fire Ins. Co. v. Bishop, 154 Ill., 1.

Where the Legislature, however, expressly authorizes the submission of disputes to arbitration by the agreement of the parties, a reference thereof would probably not be held to be an attempt to oust the courts of their

jurisdiction. An agreement, pursuant to legislative authority, would be viewed differently by the courts than the voluntary individual action of the parties.

The right of the Legislature to compel a reference to arbitrators, of questions in dispute between master and servant is a question of more serious difficulty. The constitution extends the right of trial by jury "to all cases at law." There can be no pretense that a claim for damages for accidental injury is not a case at law in the constitutional sense, and it is therefore beyond the power of the Legislature, in my judgment, to compel either the employer or the employé to forego his right to a jury trial in such cases.

Bullock v. Geomble, 45 Ill., 218, 22.

State v. Devine, 98 N. C., 778.

St. L., I. M. & S. Ry. v. Williams, 49 Ark., 492.

Indeed, the clear weight of authority seems to be that a compulsory reference, unless authorized prior to the adoption of the constitution, of a purely legal cause of action, against the consent of the parties, is an infringement of the right of trial by jury.

24 Cyc., 178, 179.

A compulsory reference, however, in the first instance, with the right reserved to either party to demand a jury in case he is dissatisfied with the report or award, is not an infringement of the constitutional right.

24 Cyc., 179.

Copp v. Henniker, 55 N. H., 179.

Any compulsory compensation law, therefore, in order to be safe, should, in my judgment, preserve the right of both master and servant to a trial by jury, whether or not there is any likelihood of either availing himself of his constitutional privilege in that respect, because, so long as the right exists, either party might be tempted to avail himself of the opportunity of having the statute nullified by the courts, in order to avoid the operation of the compensation law.

III. CLASSIFICATION OF INDUSTRIES.

Every one has a right to demand that he be governed by general rules, and a special statute which, without his consent, singles his case out as one to be regulated by a different law from that which is applied to all other similar cases, would not be legitimate legislation, but would be an arbitrary mandate, not within the province of a free government.

Those who make the laws "are to govern by promulgated, established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favorite at court and the countryman at plough."

Locke on Civil Government, sec. 142.

Bernier v. Russell, 89 Ill., 60.

Strauder v. West Va., 100 U. S., 303.

This is a maxim of constitutional law, and by it we may test the authority and binding force of legislative enactments. Doubts frequently arise as to whether a regulation, made for any one class of citizens, apparently somewhat arbitrary in its character, and restricting their rights and privileges in a manner unknown to the law, can be sustained notwithstanding their generality. Distinctions in these respects must rest upon some reason upon which they can be defended.

Cooley's Const. Lim. (7th Ed.), 559-561.

The Constitution of the State of Illinois provides:

"Article IV, Sec. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: * * * Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

* * *

Regulating the practice in courts of justice.

In all other cases where a general law can be made applicable no special law shall be enacted."

* * *

"Article II, Sec. 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation."

The Federal Constitution provides, in the fourteenth amendment, section 1, that:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States * * * nor deny to any person within its jurisdiction the equal protection of the laws."

A mandatory statute, made expressly applicable to all employers of labor, might be held unreasonable by the courts, for manifestly a large number of the small industries of the State involve no particular hazard to the employé, and it is a fundamental principle that any exercise of the police power of the State must be reasonable, in view of the conditions which the legislation affects.

On the other hand, it is also well established that the mere declaration by the Legislature that certain industries are hazardous, does not make them so as a matter of law, and it remains for the court to determine whether any classification, made on the basis of the hazards of the trade. is a reasonable one, and has a direct relation to the end apparently sought to be attained.

Ritchie v. People, 155 Ill., 98.

Without going into an extensive review of the authorities on the subject, suffice it to say that any classification, made on the basis of the dangers incident to the industries, is fraught with grave peril, in view of the decisions of the Supreme Court of the State of Illinois. Any discrimination against one class of workmen and in favor of another class would undoubtedly be held unconstitutional.

Starne v. People, 222 Ill., 189.

In this case the Supreme Court held that the Act of 1903 (Laws of 1903, p. 252), requiring mine owners to provide a washroom at the top of each mine, for the use of employés, places upon mine owners a burden not borne by other employés of labor, and discriminates in favor of mining employés against laborers engaged in other occupations, and is special legislation, notwithstanding the fact that it applied generally to some 70,000 miners in the State of Illinois and operated alike upon all persons included in that class.

It has also been held that a statute applying only to mines, which ship their coal by rail or water, requiring the weighing of all coal mined, in determining the payment therefor, is, on account of such classification. unconstitutional. (Harding v. People, 160 Ill., 459.) It is also held that a regulation of the sale of goods of mining and manufacturing corporations alone, is unconstitutional, as special legislation. (Frorer v. People, 141 Ill., 171.)

This stringent rule in regard to class legislation does not obtain in the State of New York, where they have recently adopted a limited compulsory compensation law, applying to hazardous trades only, but it will be readily seen from the above decisions, that it would be exceedingly dangerous to attempt any classification whatever with reference to a change in the common law, so radical in its nature as any compulsory compensation system must necessarily be.

Our Supreme Court and the Supreme Court of the United States have both sustained the classification adopted in the statute regulating mines and mining, which applies to coal mines "where more than five men are employed at any one time." This is a species of classification which the Legislature is at liberty to adopt, provided it be not wholly arbitrary or unreasonable.

St. Louis Cons. Coal Co. v. Illinois, 185 U. S., 203, 207; S. C. 186 Ill., 134.

See, also:

Lasher v. People, 183 Ill., 226.

And it would seem that such a classification, exempting the small manufacturer from the operation of the law, which would undoubtedly be burdensome to him, would be considered reasonable, in view of the precedents above cited.

The Remedy.

Viewed, therefore, as a matter of safe and practical legislation, I would recommend a bill, compulsory in form, but elective in fact, and with a classification either embracing all industries or all those where five or more persons are employed at any one time. By compulsory in form and elective in fact, I mean a bill providing in general terms for the payment of compensation for all industrial accidents upon the basis of the scale to be included in the Act, such bill, however, to contain a provision reserving to both employer and employé their rights at common law, with the proviso as to the employer that if he pursues his common law remedies his common law defenses shall be limited (the limitations to be fixed by the Act), and with the further proviso as to the employé that he shall be presumed to have accepted the compensation plan unless he expressly contracts to the contrary, and that any acceptance by him of compensation at common law shall bar him from all benefits to the compensation provided by the Act. Or it might be made elective in form, with the same penalties to follow an election not to pay the compensation provided.

It will be observed that this plan would secure to both parties their constitutional rights of due process of law and trial by jury, with a penalty added for the purpose of inducing them to forego such rights and accept the statutory compensation.

I am of the opinion that this plan of limitation upon the common law rights of the parties may be properly included in the form of a proviso in the Compensation Act without violating that provision of the Constitution, which provides that no Act shall embody more than one subject, which shall be expressed in its title, because it is manifest that the modification of the common law rights of the parties is in furtherance of the general purpose of the Act, viz: to provide certain, definite and automatic compensation for the industrial accidents.

Larned v. Tiernan, 110 Ill., 173.

It will be equally obvious that when these common law rights are reserved in this way, the other constitutional questions in regard to taking one's property without due process of the law, trial by jury, unreasonable classification, etc., are practically eliminated because the Act, as a whole, is, in effect, elective and does not rest for its authority upon the police power of the State. In other words, if the reservation of the common law rights were not made, the Act could find its justification only in the police power of the State, and this would involve the necessity of demonstrating that any classification made was reasonable, and that although the property of the employer might in effect be taken away from him to compensate the injured employé, there existed an overruling necessity for such action, justifying the course of the Legislature in imposing this burden upon him; whereas, under a bill drawn as above suggested, no objection could be made on the ground that the Act was not due process of law, because the courts would say due process was reserved to him by the Act itself, and no vital objection could be made to the classification, because if the Act is in effect elective, those persons covered by its provisions would have the right, by their own volition, to place themselves in the same class with those who were not in terms covered by the Act.

CONCLUSION.

I personally feel that perhaps a more courageous stand should be taken with reference to preparing legislation of this character, and that more confidence should be felt in the desire of the courts to coöperate with the other coördinate branch of the government in securing for the State pro-

gressive legislation of this kind. The subject of compulsory compensation for industrial accidents, however, is a new one in this country, and while I thoroughly believe that another decade will find every one agreed upon the proposition that any State may adopt such a law without exception or qualification, purely as a police measure, at the same time I also feel that in view of the lack of general information on the subject, and the consequent immature state of public opinion, it would be unwise as a question of practical legislation to attempt at this time to enact an unqualified compulsory compensation law, when the beneficial results which must follow from the operation of such a law are the real objective, rather than the mere establishment of the principle of compensation without negligence or fault.

That the law should read into every contract of hiring, a limited guaranty by the master to his servant, against injury to life or limb while the servant is going about his master's business, when it appears that the larger proportion of such injuries in almost all employments are entirely incidental to the business, does not seem any more unreasonable than that the law should conclusively presume that the servant, upon entering the employment, voluntarily assumes in advance all the necessary and inherent hazards of the trade.

While such a proposition might seem novel and not in accord with the purely juristic notion of the State, in contrast with the social conception of the present, this fact alone should not be conclusive in determining whether it is sound or unsound. As Mr. Justice Holmes of the Supreme Court of the United States has recently said:

"I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinion in law. The Fourteenth Amendment does not enact Mr. Herbert Spencer's social statics. A constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the state, or of *laissez faire*. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar, or novel and even shocking, ought not to conclude our judgment upon the questions whether statutes embodying them conflict with the Constitution of the United States."

However, it is a practical question of legislation and not an academic theory with which we are dealing, and a safe and conservative course, which avoids, so far as possible, all questions of constitutional law, would seem to be wise.

Respectfully submitted,

SAMUEL A. HARPER,
Attorney. Employers' Liability Commission.

PART II.

Review of Senate Bill No. 283 With Analysis of Other Important Labor Measures.

REVIEW OF SENATE BILL NO. 283 (P. 71) WITH ANALYSIS OF OTHER IMPORTANT LABOR MEASURES.

In point of general interest the most important labor measure passed by the General Assembly is Senate Bill No. 283, (p. 71), which takes effect May 1, 1913, known as the Compensation Act, relating to injuries received by workmen employed in the more dangerous occupations. It is an official and emphatic recognition of the fact that most industrial accidents are inevitable, despite the greatest measure of caution to prevent them. It is founded on a principle, which, while old in European practice, is new to American concepts of liability. Up to this time our law and the practice thereunder has been predicated on the doctrine that liability is strictly a legal proposition, and that as a condition precedent to the recovery of damages in any personal injury action, it is necessary to prove that the employer was at fault, that he had failed to exercise proper care and in the conduct of his business was guilty of negligence. In the absence of sufficient proof on these vital points, recovery under the law is impossible.

Several of the states, following the example of every other civilized nation, have recently enacted laws whose operations are designed to remove from the employing class this imputation of guilt and to properly protect, without the intervention of a law suit, the victims of industrial accidents. This reasonable plan of relief implies the acceptance of the theory that accidents of every kind are largely the result of the hazard inherent in the occupation itself and that the business, and not the individual charged with its management, is responsible and should provide for the losses incurred by accidents to its workmen in the same manner as all other necessary and legitimate expenses are now met.

The Compensation Act, in line with all similar legislation, disregards the legal idea of negligence as now generally construed, and in lieu thereof substitutes a schedule of benefits to be paid by employers representing the industries included in the law in all classes of accidents. The gambling feature of the present practice, where the few get large verdicts and the many nothing, is destroyed. There are no contingencies, no sympathetic guesses by juries to be later reversed.

The person who is injured so as to lose more than six days time is compensated during disability according to a fixed scale, in addition to medical and surgical service, 50 per cent of wages previously earned,

and, if the injury prove fatal, to the heirs or representatives a sum equal to the aggregate of four years' average annual earnings, not less however, than $1,500.00 or more than $3,500.00.

Naturally there was a sharp division of opinion on the question of minimum and maximum amounts, some employers holding that both sums were excessive, some labor representatives that they were too low.

In the investigation conducted by the commission it was disclosed as indicated in the part of the report quoted, that the average recovery in contested cases for the death of a skilled railway employé was $2,078.00; where the settlement was effected out of court, $1,457.00; railway laborers $936.00, skilled building trades $932.00, steel workers $1,254.00. In the case of nineteen teamsters, not one showed that any settlement had been made. In the case of coal miners an investigation conducted by Sherman C. Kingsley of the United Charities, Chicago, showed that in fifty litigated cases the aggregate recovery was $8,749.00, or an average of $175.00 each.

Put to actual test, the present plan has failed to yield adequate relief, and for that reason alone stands condemned. While in a few cases there has been recovered and sustained judgments for considerable amounts, the sums recovered in the average case are scarcely equal to the expense required to defend them. Compare the fifty mining cases under the test of litigation resulting in verdicts aggregating $8,749.00, with the adjudication in a like number of cases in the Cherry disaster, founded as it was on the English Compensation Act, after which the Illinois statute is fashioned, which gave to the stricken families an aggregate of $90,000.00 or an average of $1,800.00 each.

Some confusion seems to exist regarding liability and compensation laws, and efforts have been made to indicate that a compensation act is not a liability measure. To the extent of the amount required to be paid on proof of any accidents, compensatory legislation not only determines specifically the extent of the employers' liability, but, what is equally important, avoids the waste of time and loss of money, the uncertainties and failures incident to any procedure under a general liability act.

Every statute attempting to define employers' liability is essentially based on the legal idea of negligence. Wholly aside from the particular defenses which the rulings of the courts allow, there can be no recovery under a general liability act, except on proof of negligence on the part of the employer. Under such a procedure, with any kind of a law, the burden of furnishing evidence in support of the charge of negligence is upon the party seeking to recover damages; there can be no escape from this obligation on the plaintiff's part, and the record of litigated cases show only too frequently how lamentably has been the failure to supply the needed evidence and this too in cases where neither the doctrine of fellow-servant, contributory negligence, or assumption of risk had been pleaded or allowed in defense.

In European countries, where compensation and liability laws exist, but a very small per cent of the cases are brought under the liability law, such cases comprising a violation of some statute or where the fault of the employer was so apparent as to really deprive him of any defense.

Experience here is along similar lines. For many years we have had a comprehensive liability law applying to persons engaged in interstate commerce. Its failure to completely protect the army of men engaged in that line of industry, has lead to the appointment of a Federal Commission, which is now investigating the general subject of workmens' compensation with a view of recommending a broad law on that subject to Congress.

The abstract right to bring action for damages against an employer is fundamental, and cannot be abridged by legal enactment. To avoid as far as possible the legal objection attaching to compulsory compensation, the Act as passed by the General Assembly is optional in character. The right of election is granted to both employers and employés, making the benefits to be paid under it practically a matter of contract between them. Unless notice is given to the contrary, the law assumes acceptance on the part of workmen. If the employer on the other hand refuses to be bound by its provisions, the injured person or his representatives has the right of recovery through the courts, but in such cases the employer is stopped from pleading as a defense the assumption of risk, contributory negligence or that the person for whose benefit suit is brought was a co-employé or a fellow servant. The evident purpose of this provision of the law is to encourage, if not to force, its acceptance on all employers.

Law experts are inclined to question the legality of this part of the Act doubting whether even under its elective provisions the existing defenses can be removed solely because the employer may refuse to accept the plan of compensation provided for in the Act. From a purely legal view point, any plan, particularly one which threatens the continuance of a long established practice, will be assailed by the interests affected, and sooner or later come in review before the courts, it would be too much to expect that any other fate awaits this measure. Whatever the ultimate legal adjudication may be, there is much hope and assurance in the manifest tendency of present day decisions to harmonize the law with the actual economic situation.

House Bill No. 250, (p. 82) is properly designated an Act to promote the public health by protecting certain employés in this State from the dangers of occupational diseases. It applies to all occupations productive of illness or disease incident to the work performed; emphasizing particularly the menace to health resulting from the manufacture of various kinds of lead, and classifies as specially dangerous to the health of employés, the manufacture of brass, the smelting of lead or zinc and other processes of manufacture involving poisonous chemicals.

Vigorous regulations are prescribed regarding the clothing of employés, conditions under which food shall be eaten in such places, proper facilities for washing, and compelling employers to keep at all times such workshops free from dust and other poisonous fumes. Employers engaged in the class of work to which the law applies are required to have their employés examined by a competent physician for the purpose of determining whether any of such employés are victims of industrial or occupational diseases, and to make special report thereof to the State Board of Health. Section 15 extends the policy of compensation, by

giving to those whose health has been injured by reason of their occupation, a right of action to recover damages where it can be shown that such injury to health was occasioned by any willful violation or willful failure to comply with any provision of the law.

This bill was prepared after careful study and investigation by the Commission on Occupational Diseases, appointed by Governor Deneen under a joint resolution of the Forty-fifth General Assembly, which submitted a comprehensive report to the Legislature in January, 1911. It marks the first attempt on the part of the State to deal directly with the question of industrial diseases. In the enactment of such laws, we are but imitating older industrial communities. For years, in England and on the continent, trade diseases and their effect on incomes have been ranked in the same catagory with industrial accidents and adequate compensation provided therefor.

Senate Bill No. 440, (p. 86) having for its obvious purpose the safe guarding of the health of female employés, amends the Act of 1909, prohibiting their employment for more than 10 hours during any one day in any mechanical or *mercantile* establishment, or factory, or laundry, *or hotel, or restaurant, or telegraph or telephone establishment or offices thereof, or any place of amusement, or by any person, firm or corporation engaged in any express or transportation or public utility business, or by any common carrier, or in any public institution, incorporated or unincorporated in this State.* The words in italics indicate the employments to which the law as amended applies.

The Act is further amended by the substitution of a new section requiring every employer to whom the Act applies, to keep a time book or record, showing for each day the establishment is open, the hours during which females are employed; such time record is to be open at all reasonable hours for the inspection of the officials of the factory inspection department. A failure to keep such records or the insertion of any false statements therein, is punishable by a fine of $25.00 for each offense.

The scope of the Act is so broad as to include almost every kind of female labor except domestic service, and, following the action of the State Supreme Court holding the law as originally passed constitutional, is a signal victory for the great army of women who now find employment in industrial pursuits.

While the various labor organizations of the State had declared in favor of this extension of the Womens' Ten-Hour Workday law, the real battle was waged by the women themselves or their representatives, and continued amidst much discouragement until the closing moments of the regular session. To the influence of women like Jane Addams of Hull House, and Mrs. Raymond Robins of the Womens' Trade Union League, supplemented by the good judgment and unwavering perseverance of Miss Agnes Nestor of the Glovemakers, and Miss Elizabeth Maloney of the Waitresses unions, Illinois is indebted for this most comprehensive law relating to women's work. A legal limit to the working day for women having been recognized, the necessity for a still further curtailment will find expression in law as public opinion on this question advances.

House Bill No. 544, (p. 87) is one of several bills prepared by the Mining Investigation Commission and is a revision of the general mining laws of the State. As originally reported, it provided for the appointment of twelve deputy State inspectors of mines corresponding with the number of State inspectors, and recommended an increase in salary for State inspectors from $1,800.00 to $3,000.00 per annum. The appropriation committee in the House to which the bill was ultimately referred, reported amendments striking out the clauses relating to deputy State inspectors and increased salaries, with these exceptions the bill as enacted is the same as that reported by the commission.

While the entire Act is rewritten, much of it necessarily remains unchanged. The chief new features of the law consist of an increase in the number of State inspectors from ten to twelve supplemented as provided in the former laws for the appointment of a county inspector by boards of supervisors in the different coal producing counties of the State. The organization of the State Mining Board consists of two coal operators; two practicing coal miners and one practicing hoisting engineer. The office of mining engineer is abolished. The mining board becomes the head of the mine inspection service, and the State inspectors of coal mines are subject to its direction and control. In addition, it is required to collect and publish an annual coal report, for which clerical help is provided. Up to this time and for the past twenty-nine years, this work has been performed by the Bureau of Labor.

The increasing quantity of gas in the mines of the State is noted in the provision made for the use of safety lamps, also the character of oils used as affecting ventilation, the board is invested with authority to prescribe specifications and to enforce compliance therewith.

As indicating the extensive employment of electrical power in coal mines, the law contains provisions limiting the voltage and providing for the protection of trolley and feed wires at points where persons or animals are liable to come in contact therewith. The principal purpose of the law is to protect the lives and health of those engaged in the coal mine industry, and the Act as now revised, is broad and comprehensive and places Illinois in respect to such modern and essential regulations, in the first rank of coal producing states.

House Bill No. 547, (p. 117) amends five sections of the present Act enacted at the special session of the Forty-sixth General Assembly relating to fire fighting equipment at coal mines. The original Act was an emergency law passed for the purpose of preventing, if possible, a recurrence of mine fires similar to that experienced at Cherry, Illinois. The important changes in this Act occur in sections 5 and 6.

Section 5 as amended, strikes out the requirements for the use of gongs intended as a signal to call out employés in the case of serious or emminent danger. In a few cases where it has been found necessary to use the gongs, they have created stampedes threatening the lives of the men. The same service can be better and more efficiently performed through the use of telephones under the charge of men trained in this and other fire fighting work for which ample provisions are made.

Section 6 amends the present law by exempting the requirements for chemical fire extinguishers and also in the sinking and fire proofing of mines where ten or less men are employed.

House Bill No. 548, (p. 122) which is an Act designated to promote the safety of persons and property in coal mines by regulating and standardizing the character of black blasting powder. This is the first attempt on the part of the State to prescribe the specific gravity and moisture content of blasting powder used in coal mines. Section 1 provides that the specific gravity shall not be less than 1.74 nor more than 1.90; and the moisture content not to exceed, at the time of shipment, 1 per cent. The granulation is confined to seven different sizes determined by perforated screens and the letters used to designate them similar to those now in use which must be plainly stamped on the packages. The State Mining Board is authorized to make all required tests and severe penalties are prescribed for any and all violations.

This is one of the laws recommended by the Mining Investigation Commission, and in its preparation the powder manufacturers were consulted. The present method of mining in Illinois makes necessary the consumption of a vast quantity of powder. Last year 1,256,000 kegs, or nearly 16,000 tons were used in producing coal, and as a result of which 21 men were killed and many injured, besides great loss and damage to property. Powder men maintain that there has been no change in the formula or process by which the explosive is manufactured. Miners on the other hand claim that its reduced price indicates inferiority and charge most of the man-killing explosions to its impaired qualities.

The standards required by the Act will remove any grounds for speculation regarding this important matter, and if they even diminish the loss of life and the waste of property, a long step will have been taken in the general conservation policy of the State.

House Bill No. 546, (p. 124) prohibits the drilling of any gas or oil well at a point nearer than 250 feet to any coal mine.

Senate Bill No. 259, (p. 128) provides for the establishment of miners' and mechanics' institutes. This work, for which $30,000.00 has been appropriated, is purely educational in character, and it is hoped that by increasing the efficiency of mine employés and others, the business will be brought under more intelligent control and many dangers and accidents avoided.

Senate Bill No. 486, (p. 125) continues the life of the Mining Investigation Commission until the meeting of the next General Assembly.

Senate Bill No. 264, (p. 128) amends section 2 of the Act of 1907, establishing a Department of Factory Inspection. It increases the number of deputy inspectors from 25 to 30; provides for the appointment of a physician; places all deputies under the direct supervision of the chief inspector; raises the salary of the assistant chief from $1,500.00 to $2,225.00 per annum, and changes the time of making annual report to the Governor from December 15th to June 30th.

These comprise the principal labor measures enacted. Several other labor bills of minor importance were passed which appear in the list of labor laws herein published. In the character and number of laws passed in the interest of the industrial classes, the record made at the regular session of the Forty-seventh General Assembly is in every respect commendable and noteworthy.

PART III.

Attitude of Labor Leaders Respecting Liability and Workmen's Compensation Law. Protest of the Manufacturers. Veto of Senate Bill No. 401.

ATTITUDE OF LABOR LEADERS RESPECTING LIABILITY AND WORKMENS' COMPENSATION LAW—PROTEST OF THE MANUFACTURERS—VETO OF SENATE BILL NO. 401.

A rather regretable situation developed regarding the attitude of organized labor towards the Employers' Liability and Compensation Acts and the fear at one time entertained that the reactionary element in the Legislature would take advantage of the division to defeat both measures. Edwin R. Wright, president of the State Federation of Labor, and secretary of the commission, and John H. Walker, president of the United Mine Workers of Illinois, were openly committed to the enactment of the compensation bill, and while also favoring an employers' liability law, made no secret of their preference for a compensation act, going so far as to declare that if only one were to pass, it should be the compensation Act endorsed by the commission.

The position taken by John Fitzpatrick, president of the Chicago Federation of Labor, and the representatives of the Railway Trainmen was, that while not opposing the principle of compensation as a policy, such a measure should follow and not precede a comprehensive employers' liability law, maintaining that the underlying principles of these laws were inconsistent, if not antagonistic to each other. There was considerable force in this contention, but unfortunately, it gave the enemies of both measures an excuse for their real opposition.

Had it not been for the general sentiment in the State on these subjects, it would have been comparatively easy for the corporation agents to have duplicated their old time practice. Notwithstanding this division among the friends of labor legislation, the General Assembly, as if in atonement for previous neglect, passed both measures. Within the time allowed the Governor to approve bills, a protest was filed by the manufacturers and a request made for a hearing, that they might have an opportunity to submit reasons justifying the veto of both bills.

The meeting was held in the Senate chamber on Friday, May 26, 1911. It was attended by a great number of employers and representatives of labor unions. The session opened at 10:00 a. m., and continued until 2:30 p. m., the time being fully occupied with arguments by the manufacturers, their attorneys and by those of officials and other representatives of union labor.

The manufacturers, whilst declaring they were not opposed to the principle of compensation to workmen for injuries without fault of the employer, "protested against it becoming a law because it attempts to destroy all the defenses which an employer has to a suit for a personal injury." A similar objection was urged against the liability Act, although the authority of the Legislature to modify such defenses was admitted. Particular stress was laid on the fact that the proposed Act was in the nature of an innovation new to our institutions and fundamental law, and that the effect of its operation would be to "take away the property of one man and give it to another, where the person compelled to pay is without fault," and the opinion was expressed that the courts of the country would never approve such radical enactments. It was charged that the provisions of the bill were in many respects vague and inconsistent; that both the minimum and maximum death benefits were too high; and that the burden imposed upon employers in Illinois would seriously handicap them in competing for business with producers in adjoining states who were exempt from such regulations and requirements.

After a careful consideration of the provisions of both measures, Governor Deneen approved Senate Bill No. 283, the Compensation Act, and vetoed Senate Bill No. 401, the Liability Act. The Executive's views in respect to these bills is clearly and fully set forth in the following veto message:

STATE OF ILLINOIS,

EXECUTIVE DEPARTMENT.

June 10, 1911.

Hon. James A. Rose, Secretary of State, Springfield, Ill.:

DEAR SIR—I return herewith, without my approval, Senate Bill No. 401. This bill covers, to a considerable extent, the same subject matter as Senate Bill No. 283. Both are intended to apply to occupations held or deemed to be dangerous and both have relation to the rights of employers and employés in the event of injury to employés received in the course of employments which are within the purview of the acts.

Senate Bill No. 401 is drawn upon the theory of the present law, that of affording to the injured employé, or to his legal representative in case the injury results in death, relief through adjudication by the courts and it is designed to abolish or modify the defenses to actions of this nature recognized by the present law and known as the defenses of contributory negligence, the fellow servant rule, and the assumption of risk.

Senate Bill No. 283, the Workmen's Compensation Act, is drawn upon an entirely different theory. Its object is to afford compensation in all cases of industrial accident coming within its provisions without recourse to litigation; and whilst it provides for an election, both upon the part of employers and employés, between acceptance of the terms of compensation provided by the Act and the settlement of the question of compensation through an action for damages, it is so drawn as to encourage acceptance of the terms of the Compensation Act. This is accomplished in the case of the employer, by providing that in case he shall elect "not to provide and pay the compensation to any employé who has elected to accept the provisions of this Act according to the provisions of this Act, he shall not escape liability for injuries sustained by such employé arising out of and in the course of his employment, because—

"1. The employé assumed the risks of the employer's business.

"2. The injury or death was caused, in whole or in part, by the negligence of a fellow servant.

"3. The injury or death was approximately caused by the contributory negligence of the employé, but such contributory negligence shall be considered by the jury in reducing the amount of damages."

In case an employé, whose employer has accepted the terms of the Compensation Act, declines to accept such terms and elects to seek his remedy through the courts, it is provided that in such case such employer shall not be deprived of any of his common law or statutory defenses.

Under the terms of the Act, the acceptance of employment brings both parties within the provisions of the Act, unless one declares or both declare a contrary intention.

It is apparent, therefore, that Senate Bill No. 283 is framed upon the theory that the common law defenses remain in effect and that the employer shall have the advantage of such defenses should the employé fail to accept the terms of the Act. Senate Bill No. 401 destroys the common law defenses and in effect nullifies the theory upon which Senate Bill No. 283 is framed.

It is plain, therefore, that but one of these bills should stand. In view of the fact that Senate Bill No. 283 is the result of the labor of a voluntary commission composed equally of the representatives of employés and employers, after careful study of the subject of workmen's compensation and employers' liability legislation and that the State has defined its policy in reference thereto, it seems to me that preference should be given to Senate Bill No. 283, the Workmen's Compensation Act, and a test of it be made.

I may add that the provision in section 1 of Senate Bill No. 401 exempting the occupation of farming or the tilling of the soil from the operation of the Act is in plain contravention of the decision of the Supreme Court of this State in the case of People v. Vutler Street Foundry, 201 Ill., 266, and of the Supreme Court of the United States in the case of Connolly v. Union Sewer Company, 184 U. S., 540, which, of itself, would render Senate Bill No. 401 unconstitutional.

Respectfully submitted,

(Signed) CHARLES S. DENEEN,
Governor.

It will be noted that while the provisions in Senate Bill No. 401 specifically exempting the occupation of farming, would in any event, have rendered it nugatory on constitutional grounds under the cited decision of the courts, this discrimination, while legally fatal, is mentioned not alone as justifying its disapproval, but in order to emphasize the greater benefits which it is the object of Senate Bill No. 283 to subserve.

Governor Deneen in his profession as a lawyer, has doubtless had experience in the trial of personal injury suits, and in the prosecutions of such cases has had occasion to observe, not only the waste of time and money, but the frequent failure of justice under rules and circumstances where it was impossible to prove personal or official negligence. The measures represented two distinct and conflicting theories, recovery in the one case being conditioned on the uncertain results of litigation and in the other fixed under a uniform schedule of specified benefits, agreed to in advance by the persons directly concerned. As the ostensible object of both Acts, whatever misapprehension may exist in regard to them, was to relieve a situation admittedly unsatisfactory and as the administration, through executive messages to the Legislature, through the appointment of a joint commission to investigate the subject, and in other ways had announced its preference for a general compensation

plan, believing that it provided a more equitable basis for the settlement of cases of injury to workmen than is found in the present law, there was really no choice and no other course open for the Governor to pursue.

SENATE BILL No. 401.

AN ACT *relating to the liability of employers to their employés, and relating to contracts between employers and their employés in certain cases.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every employer in this State who shall hereafter employ or engage employés in any occupation which is, or may be deemed or determined to be, hazardous to life and limb of any such employés engaged or employed in any such occupation, shall be liable in damages to any person, who, in the course of his or her employment as an employé of any such employer in any such occupation, suffers personal injury, or in case of the death of such employé, then to his or her legal representative, for the benefit of the surviving widow or husband and children of such employé; and if none, then for the benefit of such employé's parents; and if none, then for the benefit of the next of kin dependent upon such employé, for such injury or death resulting in whole or in part from the negligence of such employer, or any of the officers, agents or employés of such employer, or by reason of any defect or insufficiency, due to the negligence, fault or omission of duty of such employer or any of the officers, agents or employés of such employer: *Provided*, that nothing herein contained shall apply to the occupation of farming or tilling the soil.

SEC. 2. That hereafter in any action at law brought against an employer for injury to or death of an employé the employé shall not be deemed or held to have assumed any negligence on the part of the employer, where such employer has failed to comply with the provisions of any statute imposing any duty, obligation, or regulation for the conduct of and in the pursuit of the employer's business.

SEC. 3. That any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to exempt any such employer from any liability created by this Act, shall, if made before the cause or action accrued, to that extent be void: *Provided*, that in any action brought against any such employer under or by virtue of any of the provisions of this Act, such employer may set off therein any sum such employer has contributed or paid to any insurance, relief, benefit or indemnity, that may have been paid to such injured employé, or the person entitled thereto, on account of the injury or death for which said action was brought.

SEC. 4. That no action shall be maintained under this Act unless commenced within two years from the date such cause of action accrued, except, that in the event of the death of such injured employé, then in that case said action shall be commenced within one year from the date of such death.

SEC. 5. The term employer as used in this Act shall include the legal representatives or receivers of deceased, defunct or insolvent employers.

SEC. 6. The invalidity of any portion of this Act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

SEC. 7. Nothing in this Act shall prejudicially affect any right or remedy to which an employé is entitled independently of this Act.

PART IV.

Laws Enacted by the 47th General Assembly.

LAWS ENACTED BY THE FORTY-SEVENTH GENERAL ASSEMBLY.

COMPENSATION TO EMPLOYES FOR ACCIDENTAL INJURIES OR DEATH.

(Senate Bill No. 283. Approved June 10, 1911.)

AN ACT *to promote the general welfare of the People of this State, by providing compensation for accidental injuries or death suffered in the course of employment.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any employer covered by the provisions of this Act in this State may elect to provide and pay compensation for injuries sustained by any employé arising out of and in the course of the employment according to the provisions of this Act, and thereby relieve himself from any liability for the recovery of damages, except as herein provided. If, however, any such employer shall elect not to provide and pay the compensation to any employé who has elected to accept the provisions of this Act, according to the provisions of this Act he shall not escape liability for injuries sustained by such employé arising out of and in the course of his employment because

1. The employé assumed the risks of the employer's business.

2. The injury or death was caused in whole or in part by the negligence of a fellow servant.

3. The injury or death was proximately caused by the contributory negligence of the employé, but such contributory negligence shall be considered by the jury in reducing the amount of damages.

a. Every such employer is presumed to have elected to provide and pay the compensation according to the provisions of this Act, unless and until notice in writing of his election to the contrary is filed with the State Bureau of Labor Statistics.

b. Every employer within the provisions of this Act failing to file such notice shall be bound hereby as to all his employés who shall elect to come within the provisions of this Act until January 1st of the next succeeding year and for terms of each year thereafter: *Provided,* any such employer may elect to discontinue the payments of compensation herein provided only at the expiration of any such calendar year, by filing notice of his intention to discontinue such payments, with the State Bureau of Labor Statistics, at least sixty days prior to the expira-

tion of any such calendar year, and by posting such notice in the plant, shop, office or place of work, or by personal service, in written or printed form, upon such employé, at least sixty days prior to the expiration of any such calendar year.

c. In the event any employer elects to provide and pay compensation provided in this Act, then every employé of such employer, as a part of his contract of hiring or who may be employed at the time of the taking effect of this Act and the acceptance of its provisions by the employer, shall be deemed to have accepted all the provisions of this Act and shall be bound thereby unless within thirty days after such hiring and after the taking effect of this Act, he shall file a notice to the contrary with the secretary of the State Bureau of Labor Statistics, whose duty it shall be to immediately notify the employer, and if so notified, the employer shall not be deprived of any of his common law or statutory defenses, and until such notice to the contrary is given to the employer, the measure of liability of the employer for any injury shall be determined according to the compensation provisions of this Act: *Provided, however,* that before any such employé shall be bound by the provisions of this Act, his employer shall either furnish to such employé personally at the time of his hiring, or post in a conspicuous place at the plant or in the room or place where such employé is to be employed, a legible statement of the compensation provisions of this Act.

§ 2. The provisions of this Act shall apply to every employer in the State engaged in the building, maintaining or demolishing of any structure; in any construction or electrical work; in the business of carriage by land or water and loading and unloading in connection therewith (except as to carriers who shall be construed to be excluded herefrom by the laws of the United States relating to liabilty to their employés for personal injuries while engaged in interstate commerce where such laws are held to be exclusive of all State regulations providing compensation for accidental injuries or death suffered in the course of employment); in operating general or terminal store-houses; in mining, surface mining, or quarrying; in any enterprise, or branch thereof, in which explosive materials are manufactured, handled or used in dangerous quantities; in any enterprise wherein molten metal or injurious gases or vapors or inflammable fluids are manufactured, used, generated, stored or conveyed in dangerous quantities; and in any enterprise in which statutory regulations are now or shall hereafter be imposed for the guarding, using or the placing of machinery or appliances, or for the protection and safe-guarding of the employés therein, each of which employments is hereby determined to be especially dangerous, in which from the nature, conditions and means of prosecution of the work therein, extraordinary risks to life and limb of the employé engaged therein are inherent, necessary or substantially unavoidable, and as to each of which employments it is deemed necessary to establish a new system of compensation for accidents to the employés therein.

§ 3. No common law or statutory right to recover damages for injury or death sustained by any employé while engaged in the line of his duty as such employé other than the compensation herein provided shall

be available to any employé who has accepted the provisions of this Act or to any one wholly or partially dependent upon him or legally responsible for his estate: *Provided,* that when the injury to the employé was caused by the intentional omission of the employer, to comply with statutory safety regulations, nothing in this Act shall affect the civil liability of the employer. If the employer is a partnership, such omission must be that of one of the partners thereof, and if a corporation, that of any elective officer thereof.

§ 4. The amount of compensation which the employer who accepts the provisions of this Act shall pay for injury to the employé which results in death, shall be:

a. If the employé leaves any widow, child or children, or parents or other lineal heirs to whose support he had contributed within five years previous to the time of his death, a sum equal to four times the average annual earnings of the employé, but not less in any event than one thousand five hundred dollars, and not more in any event than three thousand five hundred dollars. Any weekly payments, other than necessary medical or surgical fees, shall be deducted in ascertaining such amount payable on death.

b. If the employé leaves collateral heirs dependent upon his earnings, such a percentage of the sum provided in section *"a"* as the contributions which deceased made to the support of these dependents, bore to his earnings.

c. If the employé leaves no widow or child or children, parents or lineal or collateral heirs dependent upon his earnings, a sum not to exceed one hundred and fifty dollars for burial expenses.

d. All compensation provided for in this section to be paid in case injury results in death, shall be paid in installments equal to one-half the average earnings, at the same intervals at which the wages or earnings of the employé were paid while he was living; or if this shall not be feasable, then the installments shall be paid weekly.

e. The compensation to be paid for injuries which result in death, as provided for in this section, shall be paid to the personal representative of the deceased employé and shall be distributed by such personal representative to the beneficiaries entitled thereto, in accordance with the laws of this State relating to the descent and distribution of personal property.

§ 5. The amount of compensation which the employer who accepts the provisions of this Act shall provide and pay for injury to the employé resulting in disability shall be:

a. Necessary first aid, medical, surgical and hospital services, also medicine and hospital services for a period not longer than eight weeks, not to exceed, however, the amount of $200.00, also necessary services of a physician or surgeon during such period of disability, unless such employé elects to secure his own physician or surgeon.

b. If the period of disability lasts for more than six working days, and such fact is determined by the physician or physicians, as provided in section 9, compensation equal to one-half of the earnings, but not

less than $5.00 nor more than $12.00 per week, beginning on the eighth day of disability, and as long as the disability lasts, or until the amount of compensation paid equals the amount payable as a death benefit.

c. If any employé, by reason of any accident arising out of and in the course of his employment, receive any serious and permanent disfigurement to the hands or face, but which injury does not actually incapacitate the employé from pursuing his usual or customary employment so that it is possible to measure compensation in accordance with the scale of compensation and the methods of computing the same herein provided, such employé shall have the right to resort to the arbitration provisions of this Act for the purpose of determining a reasonable amount of compensation to be paid to such employé, but not to exceed one-quarter (¼) the amount of his compensation in case of death.

d. If after the injury has been received it shall appear upon medical examination as provided for in section 9, that the employé has been partially, though permanently incapacitated from pursuing his usual and customary line of employment, he shall receive compensation equal to one-half of the difference between the average amount which he earned before the accident, and the average amount which he is earning, or is able to earn in some suitable employment or business after the accident, if such employment is secured.

e. In the case of complete disability which renders the employé wholly and permanently incapable of work, compensation for the first eight years after the day the injury was received, equal to 50 per cent of his earnings, but not less than $5.00 nor more than $12.00 per week. If complete disability continues after the payment of a sum equal to the amount of the death benefit or after the expiration of the eight years, then a compensation during life, equal to 8 per cent of the death benefit which would have been payable had the accident resulted in death. Such compensation shall not be less than $10.00 per month and shall be payable monthly.

(1) In case death occurs before the total of the payments made equals the amount payable as a death benefit, as provided in section 4, article *a,* then in case the employé leaves any widow, child or children, or parents, or other lineal heirs, they shall be paid the difference between the compensation for death and the sum of such payment, but in no case shall this sum be less than $500.00.

(2) In cases of complete disability, after compensation has been paid at the specified rate for a term of at least six months, the employé shall have the privilege of filing a petition in accordance with article *d* of section 4 of this Act, asking for a lump sum payment of the difference between the sum of the payments received and the compensation to which he was entitled when such permanent disability has been definitely determined. For the purpose of this section, blindness or the total irrecoverable loss of sight, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent paralysis of the legs or arms, and a fracture of the skull resulting in incurable imbecility or

insanity, shall be considered complete and permanent disability: *Provided,* these specific cases of complete disability shall not, however, be construed as excluding other cases.

(3) In fixing the amount of the disability payments, regard shall be had to any payments, allowance or benefit which the employé may have received from the employer during the period of his incapacity, except the expenses of necessary medical or surgical treatment. In no event, except in cases of complete disability as defined above, shall any weekly payment payable under the compensation plan in this section provided exceed $12.00 per week, or extend over a period of more than eight years from the date of the accident. In case an injured employé shall be incompetent at the time when any right or privilege accrues to him under the provisions of this Act, a conservator or guardian of the incompetent, appointed pursuant to law, may on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employé himself had been competent and had claimed or exercised said right or privilege; and no limitations of time by this Act provided, shall run so long as said incompetent employé had no conservator or guardian.

§ 5½. Any person entitled to compensation under this Act, or any employer who shall be bound to pay compensation under this Act, who shall desire to have such compensation, or any part thereof, paid in a lump sum, may petition any court of competent jurisdiction of the county in which the employé resided or worked at the time of disability or death, asking that such compensation be so paid, and if upon proper notice to the interested parties, and a proper showing made before such court, it appears to the best interest of the parties that such compensation be so paid, the court shall order payment of a lump sum, and where necessary, upon proper application being made, a guardian, conservator or administrator, as the case may be, shall be appointed for any person under disability who may be entitled to any such compensation, and an employer bound by the terms of this Act, and liable to pay such compensation, may petition for such appointment where no such legal representatives have been appointed or acting for such party or parties so under disability.

§ 6. The basis for computing the compensation provided for in sections 4 and 5 of the Act shall be as follows:

a. The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages or earnings in the employment of the same employer during the year next preceding the injury.

b. Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employé was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

c. The annual earnings if not otherwise determinable shall be regarded as 300 times the average daily earnings in such computation.

d. If the injured person has not been engaged in the employment for a full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same

class in the same or in neighboring employments of the same kind have earned during such period. And if this basis of computation is impossible, or should appear to be unreasonable, three hundred times the amount which the injured person earned on an average on those days when he was working during the year next preceding the accident, shall be used as a basis for the computation.

e. In the case of injured employés who earn either no wage or less than three hundred times the usual daily wage or earnings of the adult day laborers in the same line of industry of that locality, the yearly wage shall be reckoned as three hundred times the average daily local wage.

f. As to employés in employments in which it is the custom to operate for a part of the whole number of working days in each year, such number shall be used instead of three hundred as a basis for computing the annual earnings, provided the minimum number of days which shall be used for the basis of the year's work shall be not less than two hundred.

g. Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employé to cover any special expense entailed on him by the nature of his employment.

h. In computing the compensation to be paid to any employé who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this Act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

§ 7. The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employés in his employment subject to the provisions of this Act, and it shall not be in any way reduced by contributions from employés.

§ 8. If it is proved that the injury to the employé resulted from his deliberate intention to cause such injury, no compensation with respect to that injury shall be allowed.

§ 9. Any employé entitled to receive disability payments shall be required if requested by the employer to submit himself for examination at the expense of the employer to a duly qualified medical practitioner or surgeon selected by the employer, at a time and place reasonably convenient for the employé, as soon as practicable after the injury, and also one week after the first examination, and thereafter at intervals not oftener than once every four weeks, which examinations shall be for the purpose of determining the nature, extent and probable duration of the injury received by the employé, and for the purpose of adjusting the compensation which may be due the employé from time to time for disability according to the provisions of sections 4 and 5 of this Act: *Provided, however,* that such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid

for by the employé, if such employé so desires, and in the event of a disagreement between said medical practitioners or surgeons as to the nature, extent or probable duration of said injury or disability, they may agree upon a third medical practitioner or surgeon, and, failing to agree upon such third medical practitioner or surgeon, the judge of the county court of the county where the employé resided or was employed at the time of the injury, shall within six days after petition filed in such court for that purpose, select a third medical practitioner or surgeon and the majority report of such three physicians as to the nature, extent and probable duration of such injury or disability shall be used for the purpose of estimating the amount of compensation payable under this Act. If the employé refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this Act during such period.

§ 10. Any question of law or fact arising in regard to the application of this law in determining the compensation payable hereunder shall be determined either by agreement of the parties or by arbitration as herein provided. In case any such question arises which cannot be settled by agreement, the employé and the employer shall each select a disinterested party and the judge of the county court, or other court of competent jurisdiction, of the county where the injured employé resided or worked at the time of the injury, shall appoint a third disinterested party, such persons to constitute a board of arbitrators for the purpose of hearing and determining all such disputed questions of law or fact arising in regard to the application of this law in determining the compensation payable hereunder; and it shall be the duty of both employé and employer to submit to such board of arbitrators not later than ten days after the selection and appointment of such arbitrators all facts or evidence which may be in their possession or under their control, relating to the questions to be determined by said arbitrators; and said board of arbitrators shall hear all the evidence submitted by both parties and they shall have access to any books, papers or records of either the employer or the employé showing any facts which may be material to the questions before them, and they shall be empowered to visit the place or plant where the accident occurred, to direct the injured employé to be examined by a regular practicing physician or surgeon, and to do all other acts reasonably necessary for a proper investigation of all matters in dispute. A copy of the report of the arbitrators in each case shall be prepared and filed by them with the State Bureau of Labor Statistics, and shall be binding upon both the employer and employé except for fraud and mistake: *Provided,* that either party to such arbitration shall have the right to appeal from such report or award of the arbitrators to the circuit court or the court that appointed the third arbitrator of the county where the injury occurred by filing a petition in such court within twenty days after the filing of the report of the arbitrators, and upon filing a good and sufficient bond, in the discretion of the court, and upon such appeal the questions in dispute shall be heard *de novo,* and either party may have a jury upon filing a written demand therefor with his petition.

§ 11. Any person entitled to payment under the compensation provisions of this Act from any employer shall have the same preferential claim therefor against the property of the employer as is now allowed by law for a claim by such person against such employer for unpaid wages or for personal services, such preference to prevail against wage claims of all other employés, not entitled to compensation for injuries, and the payments due under such compensation provisions shall not be subject to attachment, levy, execution, garnishment or satisfaction of debts, except to the same extent and in the same manner as wages or earnings for personal service are now subject to attachment, levy, execution, garnishment or satisfaction of debts, under the laws of this State, and shall not be assignable. Any right to receive compensation hereunder shall be extinguished by the death of the person or persons entitled thereto, subject to the provisions of this Act relative to compensation for death received in the course of employment. No claim of any attorney at law for services in securing a recovery under this Act shall be an enforceable lien thereon unless the amount of the same be approved in writing by a judge of a court of record, which approval may be made in term time or vacation.

§ 12. Any contract or agreement made by any employer or his agent or attorney with any employé or any other beneficiary of any claim under the provisions of this Act within seven days after the injury shall be presumed to be fraudulent.

§ 13. No employé or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employé or beneficiary hereunder.

§ 14. No proceedings for compensation under this Act shall be maintained unless notice of the accident has been given to the employer as soon as practicable after the happening thereof, and during such disability, and unless claim for compensation has been made within six months after the injury, except that in case of an accident resulting in temporary disability, notice of such accident must be given to the employer within thirty days after said accident; or in case of the death of the employé or in the event of his incapacity, within six months after such death or incapacity, or in the event that payments have been made under the provisions of this Act, within six months after such payments have ceased. No want or defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings by arbitration or otherwise by the employé, unless the employer proves that he is unduly prejudiced in such proceedings by such want, defect or inaccuracy. Notice of the accident shall, in substance apprise the employer of the claim of compensation made and shall state the name and address of the employé injured, the approximate date and place of the accident, if known, and in simple language the cause thereof; which notice may be served personally or by registered mail, addressed to the employer at his last known residence or place of business: *Provided*, that the failure on the part of any person entitled to such compensation to give such notice shall not relieve the employer from his liability for such compensation,

when the facts and circumstances of such accident are known to such employer or his agent, supervising work in which such employé was engaged at the time of the injury.

§ 15. This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employés, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him: *Provided,* the employer contributes to such association or department an amount sufficient to insure the employés or other beneficiary the full compensation herein provided, exclusive of the cost of the maintenance of such association or department without any expense to the employé. This Act shall not prevent the organization and maintaining under the insurance law of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employés for the payment of additional accident or sick benefits.

No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

Any contract of employment, relief benefit, or insurance or other device whereby the employé is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void, and any employer withholding from the wages of any employé any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than twenty-five dollars in each offense in the discretion of the court.

§ 16. Any person who shall become entitled to compensation under the provisions of this Act, shall, in the event of his inability to recover such compensation from the employer on account of his insolvency, be subrogated to all the rights of such employer against any insurance company or association which may have insured such employer against loss growing out of the compensation required by the provisions of this Act to be paid by such employer, and in such case only, a payment of the compensation that has accrued to the person entitled thereto in accordance with the provisions of this Act, shall relieve such insurance company from such liability.

§ 17. Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person, other than the employer, to pay damages in respect thereof:

a. The employé or beneficiary may take proceedings both against that person to recover damages and against the employer for compensation, but the amount of the compensation which he is entitled to under this Act shall be reduced by the amount of damages recovered.

b. If the employé or beneficiary has recovered compensation under this Act, the employer by whom the compensation was paid or the person who has been called upon to pay the indemnity under sections 4 and 5 of this Act, may be entitled to indemnity from the person so liable to pay damages as aforesaid, and shall be subrogated to the rights of the employé to recover damages therefor.

§ 18. An agreement or award may, at any time after six months, and before eighteen months, from the date of filing, be reviewed, upon the application of either party, on the ground that the incapacity of the employé has subsequently increased or diminished. Such application shall be made to any court of competent jurisdiction; and unless the parties consent to arbitration, the court may appoint a medical practitioner to examine the employé and report upon his condition; and upon his report, and after hearing all the evidence the court may modify such agreement or award, as may be just, by ending, increasing or diminishing the compensation, subject to the limitations hereinbefore provided.

§ 19. It shall be the duty of every employer within the provisions of this Act to send to the secretary of the State Bureau of Labor Statistics in writing an immediate report of all accidents or injuries arising out of or in the course of the employment and resulting in death; it shall also be the duty of every such employer to report between the 15th and the 25th of each month to the secretary of the State Bureau of Labor Statistics all accidents or injuries for which compensation has been paid under this Act, which accidents or injuries entail a loss to the employé of more than one week's time, and in case the injury results in permanent disability, such report shall be made as soon as it is determined that such permanent disability has resulted or will result from such injury. All such reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the nature of the injury, the length of disability and, in case of death, the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The making of reports as provided herein shall release the employer covered by the provisions of this Act from making such reports to any other officer of the State.

§ 20. Any person, firm or corporation who undertakes to do or contracts with others to do, or have done for him, them or it, any work embraced in section 2 of this Act, requiring such dangerous employment of employés in, or about premises where he, they or it, as principal or

principals, contract to do such work or any part thereof, and does not require that the compensation provided for in this Act shall be insured to the employé or beneficiary by any such person, firm or corporation undertaking to do such work and any such person, firm or corporation who creates or carries into operation any fraudulent scheme, artifice or device to enable him, them or it to execute such work without such person, firm or corporation being responsible to the employé or beneficiaries entitled to such compensation under the provisions of this Act, such person, firm or corporation shall be included in the term "employer" and with the immediate employer shall be jointly and severally liable to pay the compensation herein provided for, and be subject to all the provisions of this Act.

§ 21. The term "employé" as used in this Act shall be held to include only such persons as may be exposed to the necessary hazards of carrying on any employment or enterprise referred to in section 2 of this Act. Persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employers' trade or business, are not included in the foregoing definition.

§ 22. Section 21 shall not be construed to include any employé engaged in any work of an incidental character unconnected with the dangers necessarily involved in carrying on any employment or enterprise referred to in section 2, or in any work of a clerical or administrative nature which does not expose the employé to the inherent hazards of any such employment or enterprise.

PENALTIES.

§ 23. Any willful neglect, refusal, or failure to do the things required to be done by any section, clause, or provision of this Act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, member of an arbitration board herein provided for, or with the secretary of the Bureau of Labor Statistics or his deputy, in the discharge of the duties herein imposed upon any of them, or any refusal to comply with the terms of this Act, shall be deemed a misdemeanor, punishable by a fine of not less than $10.00 nor more than $500, at the discretion of the court.

§ 23½. The right of action for damages caused by any such injury, at common law or other statute in force prior to the taking effect hereof shall not be affected by this Act and every existing right of action for negligence or to recover damages for injury resulting in death, is continued and nothing in this Act shall be construed as limiting the right of such action so accrued before the taking effect of this Act.

§ 24. The invalidity of any portion of this Act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

§ 25. This Act shall take effect and be in force on and after the 1st day of May, 1912.

APPROVED June 10, 1911.

Occupational Diseases.

(House Bill No. 250.)

An Act *to promote the public health by protecting certain employés in this State from the dangers of occupational diseases, and providing for the enforcement thereof.*

Section 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That every employer of labor in this State, engaged in carrying on any work or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employés to the danger of illness or disease incident to such work or process, to which employés are not ordinarily exposed in other lines of employment, shall, for the protection of all employés engaged in such work or process, adopt and provide reasonable and approved devices, means or methods for the prevention of such industrial or occupational diseases as are incident to such work or process.

§ 2. Every employer in this State engaged in the carrying on of any process of manufacture or labor in which sugar of lead, white lead, lead chromate, lithrage, red lead, arsenate of lead, or paris green are employed, used or handled, or the manufacture of brass or the smelting of lead or zinc, which processes and employments are hereby declared to be especially dangerous to the health of the employés engaged in any process of manufacture or labor in which poisonous chemicals, minerals or other substances are used or handled by the employés therein in harmful quantities or under harmful conditions, shall provide for and place at the disposal of the employés engaged in any such process or manufacture and shall maintain in good condition and without cost to the employés, proper working clothing to be kept and used exclusively for such employés while at work, and all employés therein shall be required at all times while they are at work to use and wear such clothing; and in all processes of manufacture or labor referred to in this section which are unnecessarily productive of noxious or poisonous dusts, adequate and approved respirators shall be furnished and maintained by the employer in good condition and without cost to the employés, and such employés shall use such respirators at all times while engaged in any work necessarily productive of noxious or poisonous dusts.

§ 3. Every employer engaged in carrying on any process or manufacture referred to in section 2 of this Act, shall, as often as once every calendar month, cause all employés who come into direct contact with the poisonous agencies or injurious processes referred to in section 2 of this Act, to be examined by a competent licensed physician for the purpose of ascertaining if there exists in any employé any industrial or occupational disease or illness, or any disease or illness due or incident to the character of the work in which the employé is engaged.

§ 4. It is hereby made the duty of any licensed physician who shall make the physical examination of employés under the provisions of section 3 of this Act, to make an immediate report thereof to the State Board of Health of the State of Illinois upon blanks to be furnished by said board upon request, and if no such disease or illness is found,

the physician shall so report, and if any such disease is found, the report shall state the name, address, sex and age of such employé and the name of such employer, and the nature of the disease or illness with which the employé is afflicted, and the probable extent and duration thereof, and the last place of employment: *Provided,* that the failure of any such physician to receive the blanks of the State Board of Health for the making of such report, shall not excuse such physician from making the report as herein provided.

§ 5. The secretary of the State Board of Health shall, immediately upon receipt of any report from any physician in accordance with the provisions of section 4 of this Act, transmit a copy thereof to the Illinois Department of Factory Inspection.

§ 6. Every employer engaged in carrying on any process or manufacture referred to in section 2 of this Act, shall provide, separate and apart from the workshop in which such employés are engaged, a dressing room and lavatory for the use of such employés who are exposed to poisonous or injurious dusts, fumes and gases, and such lavatory shall be kept and maintained in a clean and wholesome manner and provided with a sufficient number of basins or spigots, with adequate washing facilities, including hot and cold water, clean towels and soap and shower bath, and the dressing rooms shall be furnished with clothes presses or compartments, so that the ordinary street clothes of such employés shall be kept separate and apart from their working clothes.

§ 7. No employé shall take or be allowed to take any food or drink of any kind into any room or apartment in which any process or manufacture referred to in section 2 of this Act is carried on, or in which poisonous substances or injurious or noxious fumes, dusts or gases are present as the result of such work or process being carried on in such room or apartment, and the employés shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer for enabling the employés to take their meals elsewhere in such place of employment, and a sufficient number of sanitary closed receptacles containing wholesome drinking water shall be provided and maintained for the use of the employés within reasonable access and without cost to them.

§ 8. All employers engaged in carrying on any process or manufacture referred to in section 2 of this Act, shall provide and maintain adequate devices for carrying off all poisonous or injurious fumes from any furnaces which may be employed in any such process or manufacture, and shall also provide and maintain adequate facilities for carrying off all injurious dust, and the floors in any room or apartment where such work or process is carried on shall, so far as practicable, be kept and maintained in a smooth and hard condition, and no sweeping shall be permitted during working hours except where the floors in such workshop are dampened so as to prevent the raising of dust; and all ore, slag, dross and fume shall be kept in some room or apartment separate from the working rooms occupied by the employés, and where practicable, all mixing and weighing of such ore, slag, dross or fume shall be done

in such separate room or apartment, and all such material shall, so far as practicable, be dampened before being handled or transported by employés.

§ 9. When any flues are used in any such process or manufacture referred to in section 2 of this Act, and such flues are being cleaned out or emptied, the employer shall in every case provide and maintain a sufficient and adequate means or device, such as canvas bags or other practical device, or by dampening the dust, or some other sufficient method for catching and collecting the dust and preventing it from unreasonably fouling or polluting the air in which the employés are obliged to work, and, wherever practicable, the dust occasioned in any process or manufacture referred to in section 2 of this Act, and any polishing or finishing therein, shall be dampened or wet down, and every reasonable precaution shall be adopted by the employer to prevent the unnecessary creation or raising of dust, and all floors shall be washed or scrubbed at least once every working day; and such parts of the work or process as are especially dangerous to the employés, on account of poisonous fumes, dusts and gases, shall, where practicable, be carried on in separate rooms and under cover of some suitable and sufficient device to remove the danger to the health of such employé, as far as may be reasonably consistent with the manufacturing process, and the fixtures and tools employed in any such process of manufacture, shall be thoroughly washed and cleaned at reasonable intervals.

§ 10. All hoppers or chutes or similar devices used in the course of any process or manufacture referred to in section 2 of this Act shall, where practicable, be provided with a hood or covering, and an adequate and sufficient apparatus or other proper device for the purpose of drawing away from the employés noxious, poisonous or injurious dusts, and preventing the employés from coming into unnecessary contact therewith; and all conveyances or receptacles used for the transportation about or the storage in any place where any such process or manufacture referred to in section 2 of this Act is carried on, shall be properly covered or dampened in such way as to protect the health of the employés, and no refuse of a dangerous character incident to the work or process carried on in any such place shall be allowed to unnecessarily accumulate on the floors thereof.

§ 11. It shall be the duty of the State Department of Factory Inspection to enforce the provisions of this Act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose such department and its inspectors are empowered to visit and inspect at all reasonable times all places of employment covered by the provisions of this Act. In the enforcement of the provisions hereof the Department of Factory Inspection shall give proper notice in regard to any violation of this Act to any employer of labor violating it, and directing the installment of any approved device, means or method reasonably necessary, in his judgment, to protect the health of the employés therein, and such notice shall be written or printed and shall be signed officially by the Chief State Factory Inspector or the assistant Chief State Factory Inspector, and

said notice may be served by delivering the same to the person upon whom service is to be had, or by leaving at his usual place of abode or business an exact copy thereof, or by sending a copy thereof to such person by registered mail, and upon receipt of such notice calling the attention of the employer to such violation, he shall immediately comply with all the provisions of this Act.

§ 12. If any occupational or industrial disease or illness or any disease or illness peculiar to the work or process carried on shall be found in any place of employment in this State by the Inspectors of the State Department of Factory Inspection, or called to their attention by the State Board of Health, which disease or illness shall be caused in whole or in part, in the opinion of the inspector, by a disregard by the employer of the provisions of this Act, or a failure on the part of the employer to adopt reasonable appliances, devices, means or methods which are known to be reasonably adequate and sufficient to prevent the contraction or continuation of any such disease or illness, it shall be the duty of the Department of Factory Inspection to immediately notify the employer in such place of employment, in the manner provided in section 12 of this Act, to install adequate and approved appliances, devices, means or methods to prevent the contracting and continuance of any such disease or illness and to comply with all the provisions of this Act.

§ 13. For the purpose of disseminating a general knowledge of the provisions of this Act and of the dangers to the health of employés in any work or process covered by the provisions of this Act, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employés arising from such work or process, and simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the Chief State Factory Inspector shall, upon request, have prepared a notice covering the salient features of this Act, and furnish a reasonable number of copies thereof to employers in this State, covered by the provisions of this Act, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible, and in addition to English they shall be printed in such other language or languages as may be necessary to make them intelligible to the employés.

§ 14. Any person, firm or corporation who shall, personally or through any agent, violate any of the provisions of this Act, or who omits or fails to comply with any of its requirements, or who obstructs or interferes with any examination or investigation being made by the State Department of Factory Inspection in accordance with the provisions of this Act, or any employé who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished for the first offense by a fine of not less than ten dollars ($10.00) or more than one hundred dollars

($100.00), and upon conviction of the second or subsequent offenses, shall be fined not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00), and in each case shall stand committed until such fine and costs are paid, unless otherwise discharged by due process of law.

§ 15. For any injury to the health of any employé proximately caused by any willful violation of this Act or willful failure to comply with any of its provisions, a right of action shall accrue to the party whose health has been so injured, for any direct damages sustained thereby; and in case of the loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the widow of such deceased person, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support upon such deceased person, for a like recovery of damages for the injury sustained by reason of such loss of life, not to exceed the sum of ten thousand dollars: *Provided,* that every such action for damages in case of death shall be commenced within one year after the death of such employé.

§ 16. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

APPROVED May 26, 1911.

TEN-HOUR LAW FOR FEMALES IN GENERAL EMPLOYMENT.

(Senate Bill No. 440.)

AN ACT *to amend sections 1 and 2 of an Act entitled, "An Act to regulate and limit the hours of employment of females in any mechanical establishment or factory or laundry in order to safeguard the health of such employés; to provide for its enforcement and a penalty for its violation; approved June 15, 1909, in force July 1, 1909"; and to add an additional section thereto to be known as section 5, and to amend the title of said Act.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1 and 2 of an Act entitled, "An Act to regulate and limit the hours of employment of females in any mechanical establishment or factory or laundry in order to safeguard the health of such employés; to provide for its enforcement and a penalty for its violation," be and the same are hereby amended, and an additional section to be known as section 5 be added thereto, and the title of said Act shall be amended and the same shall read as follows:

§ 1. That no female shall be employed in any mechanical or mercantile establishment, or factory, or laundry, or hotel, or restaurant, or telegraph or telephone establishment or office thereof, or in any place of amusement, or by any person, firm or corporation engaged in any express or transportation or public utility business, or by any com-

mon carrier, or in any public institution, incorporated or unincorporated in this State, more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any day.

§ 2. Any employer who shall require or permit or suffer any female to work in any of the places mentioned in section 1 of this Act more than the number of hours provided for in this Act, during any day of twenty-four hours, or who shall fail, neglect or refuse so to arrange the work of females in his employ that they shall not work more than the number of hours provided for in this Act, during any one day, or who shall permit or suffer any overseer, superintendent or other agent of any such employer to violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for each offense in a sum of not less than $25.00 or more than $100.00.

§ 5. Every employer to whom this Act shall apply, shall keep a time book or record showing for each day that his establishment is open the hours during which each and every female in his employ, to whom this Act applies, is employed. Such time book or record shall be open at all reasonable hours to the inspection of the officials of the Factory Inspection Department. The failure or omission to keep such record, or a false statement contained therein, or any false statement made by any person to an official of the Factory Inspection Department, in reply to any question put in carrying out the provisons of this Act, shall be punishable on conviction by a penalty of not more than $25 for each offense.

[§ 2.] The title of said Act shall be amended to read as follows: "An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, or factory, or laundry, hotel or restaurant, or telegraph or telephone establishment or office thereof, or in any place of amusement, or by any express or transportation or public utility business, or by any common carrier or in any public institution, incorporated or unincorporated, in this State, in order to safeguard the health of such employés; to provide for its enforcement and a penalty for its violation."

APPROVED June 10, 1911.

GENERAL MINING LAWS.

(House Bill No. 544. Approved June 6, 1911.)

AN ACT *to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* (*a*) That the Governor, with the advise and consent of the Senate, shall appoint a State Mining Board which shall be composed of five members, two of whom shall be practicing coal miners, one a practicing coal mine hoisting engineer, and two coal operators.

POWERS AND DUTIES OF BOARD. (*b*) Said board shall be authorized, empowered and required to make formal inquiry into and pass upon the practical and technological qualifications and personal fitness of men seeking appointment as State inspectors of mines, and of those seeking certificates of competency as mine managers, as hoisting engineers and as mine examiners. Said board also shall have such other powers and duties as may be prescribed by the provisions of this Act, or any other Act relating to coal mining. Said board also shall control and direct the State mine inspectors hereinafter provided for, in the discharge of their duties. Said board also shall cause to be collected statistical details relating to coal mining in the State, especially in its relations to the vital, sanitary, commercial and industrial conditions, and to the permanent prosperity of said industry; and said board shall cause such statistical details to be compiled and summarized as a report of said State Mining Board, to be known as the Annual Coal Report.

DATE OF TERM OF APPOINTMENT. (*c*) Their appointment shall date from July 1, 1911, and they shall serve for a term of two years, or until their successors are appointed and qualified. They shall all be sworn to a faithful performance of their duties. One of the coal operators member of said board shall be elected as president, and one of the coal miners member of said board shall be elected as secretary. The board may appoint a chief clerk and may employ such other persons as may be necessary for the proper discharge of its powers and duties; all of whom shall perform such duties as may be prescribed by the board from time to time, and the board may from time to time also prescribe standing and other rules for the control and direction of its officers and employés and of the State mine inspectors.

SUPPLIES FURNISHED BY SECRETARY OF STATE. (*d*) The secretary of State shall assign to the use of the board, suitably furnished rooms in the State House, and shall also furnish whatever blanks, blank books, printing, stationery, instruments and supplies the board may require in the discharge of its duties, and for the use of the State mine inspectors.

FREQUENCY OF MEETINGS. (*e*) The board shall hold such meetings from time to time as may be necessary for the proper discharge of its duties. The board shall meet at the Capitol on the second Tuesday in September of the year 1911, and annually thereafter, for the examination of candidates for appointment as State inspectors of mines. Special examinations also may be held whenever for any reason it may become necessary to appoint one or more inspectors.

For the examination of persons seeking certificates of competency as mine managers, hoisting engineers and mine examiners, the board shall hold meetings at such times and places within the State as shall, in the judgment of the members, afford the best facilities to the greatest number of candidates.

Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which any examinations under this section are to be held.

RULES OF PROCEDURE. (*f*) The examinations herein provided for shall be conducted under rules, conditions and regulations prescribed by the board. Such rules shall be made a part of the permanent record of

the board, and such of them as relate to candidates shall be, upon application of any candidate, furnished to him by the board; they shall also be of uniform application to all candidates.

COMPENSATION OF MEMBERS—SALARY OF CHIEF CLERK. (*g*) The members of the State Mining Board shall receive as compensation for their services the sum of five dollars ($5) each per day for a term not exceeding one hundred (100) days in any one year, and whatever sums are necessary to reimburse them for such actual and necessary traveling expenses as may be incurred in the discharge of their duties.

The salary of the chief clerk shall be $2,000 per annum, and he shall be reimbursed for any amounts expended for actual and necessary traveling expenses in the discharge of his duties.

All salaries and expenses of the board and of its employés shall be paid upon vouchers duly sworn to by each and approved by the president of the board, or in his absence by the acting president, and by the Governor, and the Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

§ 2. CREDENTIALS. (*a*) An applicant for any certificate herein provided for, before being examined, shall register his name with the State Mining Board and file with the board the credentials required by this Act, to-wit: An affidavit as to all matters of fact establishing his right to receive the examination, and a certificate of good character and temperate habits, signed by at least ten residents of the community in which he resides.

EXAMINATIONS FOR INSPECTORS. (*b*) Persons applying to the State Mining Board as candidates for appointment as State inspectors of mines must produce evidence satisfactory to the board that they are citizens of this State, at least thirty years of age, that they have had a practical mining experience of ten years, and that they are men of good requte and temperate habits; they must pass an examination as to their practical and technological knowledge of mine surveying and mining machinery and appliances, of the proper development and operation of coal mines, of ventilation in mines, of the nature and properties of mine gases, of first aid to injured, of mine rescue methods and appliances, of the geology of the coal measures in this State, and of the laws of this State relating to coal mines.

NAMES CERTIFIED TO THE GOVERNOR. (*c*) At the close of each examination for inspectors the board shall certify to the Governor the names of all candidates who have received a rating above the minimum fixed by the rules of the board as being persons properly qualified for the position of inspector.

EXAMINATIONS FOR MINE MANAGERS. (*d*) Persons applying to the board for certificates of competency as mine managers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also pass such examination as to their experience in mines and in the management of men, their knowledge of

mine machinery and appliances, the use of surveying and other instruments used in mining, the properties of mine gases, the principles of ventilation, of first aid to injured, of mine-rescue methods and appliances, and the legal duties and responsibilities of mine managers, as shall be prescribed by the rules of the board.

FOR MINE MANAGERS, SECOND CLASS. (*d*) Persons coming before the board for certificates of competency as mine managers, second class, must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also submit to and satisfactorily pass such an examination as to their experience in mines and in the management of men, their knowledge of coal mining, mine ventilation and the mining laws of this State and the required duties and responsibilities of second class mine managers, as shall be prescribed by the rules of the board, and it shall be unlawful to employ second-class mine managers, or for them to serve in that capacity at mines employing more than ten men.

EXAMINATIONS FOR MINE EXAMINERS. (*e*) Persons applying to the board for certificates of competency as mine examiners, must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, and of good repute and temperate habits, and that they have had at least four years' practical mining experience. They must pass an examination as to their experience in mines generating dangerous gases, their practical and technological knowledge of the nature and properties of fire-damp, the laws of ventilation, the structure and uses of safety lamps, and the laws of this State relating to safeguards against fires from any source in mines.

EXAMINATIONS FOR HOISTING ENGINEERS. (*f*) Persons applying to the board for certificates of competency as hoisting engineers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, that they have had at least two years' experience as fireman or engineer of a hoisting plant, and are of good repute and temperate habits. They must pass an examination as to their experience in handling hoisting machinery, and as to their practical and technological knowledge of the construction, cleaning and care of steam boilers, the care and adjustment of hoisting engines, the management and efficiency of pumps, ropes and winding apparatus, and as to their knowledge of the laws of this State in relation to signals and the hoisting and lowering of men at mines.

EXAMINATION PAPERS PRESERVED. (*g*) There shall be a written and an oral examination of applicants as may be prescribed by the rules of the board; and all written examination papers and all other papers of applicants shall be kept on file by the board for not less than one year, during which time any applicant shall have the right to inspect his said papers at all reasonable times; and any applicant shall be entitled to a certified copy of any or all of his said papers upon payment of a reasonable copy fee therefor.

§ 3. CERTIFICATES ISSUED BY THE BOARD. (*a*) The certificates provided for in this Act shall be issued under the signature and seal of the

State Mining Board, to all those who receive a rating above the minimum fixed by the rules of the board; such certificates shall contain the full name, age and place of birth of the recipient and the length and nature of his previous service in or about coal mines.

RECORD TO BE PRESERVED. (*b*) The board shall make and preserve a record of the names and addresses of all persons to whom certificates are issued.

EFFECT OF CERTIFICATES. (*c*) The certificates provided for in this Act shall entitle the holders thereof to accept and discharge at any mine in this State, the duties for which they are declared qualified.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE MANAGERS. (*d*) It shall be unlawful for the operator of any coal mine to have in his service as mine manager at his mine, any person who does not hold a certificate of competency issued by the State Mining Board of this State: *Provided,* that whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certified mine manager, he may place any trustworthy and experienced man of the mine inspection district in charge of his mine to act as temporary mine manager for a period not exceeding seven days, and with the approval of the State inspector of the district, for a further period not exceeding twenty-three days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS. (*e*) It shall be unlawful for the operator of any mine to have in his service as mine examiner any person who does not hold a certificate of competency issued by the State Mining Board: *Provided,* that any one holding a mine manager's certificate may serve as mine examiner; but in any mine employing more than twenty-five (25) men, the mine manager shall not act in the capacity of mine examiner while acting as mine manager: *And, provided,* whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certificated examiner, he may employ any trustworthy and experienced man of the mine inspection district to act as temporary mine examiner for a period not exceeding seven days, and with the approval of the State inspector of the district, for a further period not exceeding twenty-three days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED HOISTING ENGINEER. (*f*) It shall be unlawful for the operator of any mine to permit any person who does not hold a certificate of competency as hoisting engineer issued by the State Mining Board, to hoist or lower men, or to have charge of the hoisting engine when men are underground.

TEMPORARY EMPLOYMENT OF UNCERTIFICATED PERSONS NOT EXTENDED. (*g*) The employment of persons who do not hold certificates as mine managers and mine examiners, shall in no case exceed the limit of time specified herein, and the State inspector shall not approve of the employment of such persons beyond the twenty-three day limit.

REMOVAL OF INSPECTORS. (*h*) Upon a petition signed by not less than three coal operators, or ten coal miners, setting forth that any State inspector of mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the unlawful injury of miners or operators of mines, it shall be the duty

of the State Mining Board to issue a citation to the said inspector to appear before it within a period of fifteen days on a day fixed for said hearing, when the said board shall investigate the allegations of the petitioners; and if the said board shall find that the said inspector is neglectful of his duty, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, the said board shall declare the office of said inspector vacant, and a properly qualified person shall be duly appointed, in the manner provided for in this Act, to fill said vacancy.

CANCELLATION OF CERTIFICATES. (*i*) The certificate of any mine manager, hoisting engineer or mine examiner, may be canceled and revoked by the State Mining Board upon notice and hearing as hereinafter provided, if it shall be established in the judgment of said board that the holder thereof has become unworthy to hold said certificate by reason of violation of the law, intemperate habits, incapacity, abuse of authority or for any other cause: *Provided,* that any person against whom charges or complaints are made hereunder shall have the right to appear before said board and defend against said charges, and he shall have fifteen days' notice in writing of such charges previous to such hearing: *Provided, further,* that the board in its discretion may suspend the certificate of any person charged as aforesaid, pending said hearing, but said hearing shall not be unreasonably deferred.

§ 4. INSPECTION DISTRICTS. The State shall be divided into twelve inspection districts, said divisions to be made by the State Mining Board. The board may also change from time to time the boundaries of said districts, in order to more equally distribute the labor and expenses of the several mine inspectors, but this provision shall not be construed as authorizing the State Mining Board to increase the number of districts.

§ 5. INSPECTORS APPOINTED. (*a*) From the names certified by the State Mining Board, the Governor shall select and appoint twelve State mine inspectors; that is to say, one inspector for each of the twelve inspection districts provided for in this Act; or more, if, in the future, additional inspection districts shall be created, and their commissions shall be for a term of two years from July first, provided the term of any State mine inspector in office July 1, 1911, shall be extended to October 1, 1911, and provided any State inspector in actual service and good standing and who has passed one examination under this Act may be reappointed for the next ensuing term, without further certification, but shall not be so reappointed more than three times: *Provided, further,* no man shall be eligible for appointment as a State inspector of mines who has any pecuniary interest in any coal mine in Illinois.

The county board of supervisors, or of commissioners in counties not under township organization, or any county in which coal is produced, upon the written request of the State inspector of mines for the district in which said county is located, shall appoint a county inspector of mines as assistant to such State inspector, but no person shall be eligible for appointment as county inspector who does not hold a State certificate of competency as mine manager, and the compensation of such county inspector shall be fixed by the county board at not less than three dollars per day, to be paid out of the county treasury.

The State inspector may authorize any county inspector in his district to assume and discharge all the duties and exercise all the powers of a State inspector in the county for which he is appointed, in the absence of the State inspector; but such authority must be conferred in writing and the county inspector must produce the same as evidence of his powers upon the demand of any person affected by his acts; and the bond of said State inspector shall be holden for the faithful performance of the duties of such assistant inspector.

BOND. (*c*) State inspectors, before entering upon their duties as such, must take an oath of office, as provided for by the Constitution, and enter into a bond to the State in the sum of five thousand dollars ($5,000) for State mine inspectors, with sureties to be approved by the Governor, conditioned upon the faithful performance of their duties in every particular, as required by this Act. Said bonds, with the approval of the Governor endorsed thereon, together with the oath of office, shall be deposited with the Secretary of State.

INSTRUMENTS. (*d*) The State Mining Board shall furnish to each of said State inspectors an anemometer, a safety-lamp and such other instruments and such blanks, blank books, stationery, printing and supplies as may be required by said inspectors in the discharge of their official duties. Said instruments and supplies shall be paid for on bills of particulars certified by the proper officers of the board and approved by the Governor; and the Auditor of Public Accounts shall draw his warrants on the State Treasurer for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

EXAMINATIONS OF MINES. (*e*) State inspectors shall devote their whole time and attention to the duties of their respective offices. State Inspectors shall make personal examinations at least once in every six months of each mine in their district in which marsh gas has been detected in quantities which, in the judgment of the State Mining Board, is dangerous. The State Mining Board also may require State inspectors personally to examine any or all other mines in their respective districts.

State inspectors may be assigned by the State Mining Board to examine mines which have not been classified as generating marsh gas in dangerous quantities.

Every mine in the State shall be examined at least once in every six months.

SCOPE OF EXAMINATION. (*f*) Every State inspector in the regular inspection of mines shall measure with an anemometer and determine the amount of air passing in the last cross-cut in each pair of entries in pillar and room mines, or in the last room of each division in long-wall mines. He shall also measure with an anemometer and determine the amount of air passing at the inlet and outlet of the mines; and he shall compare all such air measurements with the last report of the mine examiner and the mine manager upon the mine examination book of the mine. He must observe that the legal code of signals between the engineer and top man and bottom man is established and conspicuously posted for the information of all employés.

State inspectors also shall require that every necessary precaution be taken to insure the health and safety of the workmen employed in the mines, and that the provisions and requirements of all the mining laws of this State are obeyed.

State inspectors shall render written reports of mine inspections made by them to the State Mining Board in such form and manner as shall be required by the board. State inspector[s] shall take prompt action for the enforcement of the penalties provided for violation of the mining laws.

AUTHORITY TO ENTER. (*g*) It shall be lawful for State inspectors to enter, examine and inspect any and all coal mines and the machinery belonging thereto, at all reasonable times, by day or by night, but so as not to unreasonably obstruct or hinder the working of such coal mine, and the operator of every such coal mine is hereby required to furnish all necessary facilities for making such examination and inspection.

PROCEDURE IN CASE OF OBJECTION. (*h*) If any operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit, setting forth such refusal, with the judge of the circuit court in said county in which said mine is situated, either in term time or vacation, or, in the absence of said judge, with a master in chancery in said county in which said mine is situated, and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

NOTICES TO BE POSTED. (*i*) The State inspector shall post in some conspicuous place at the top of each mine inspected by him, a plain statement showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the inspector. He shall post a notice at the landing used by the men, stating what number of men will be permitted to ride on the cage at one time and the rate of speed at which men may be hoisted and lowered on the cages.

SEALER OF WEIGHTS. (*j*) State inspectors are hereby made *ex-officio* sealer of weights and measures in their respective districts, and as such are empowered to test all scales used to weigh coal at coal mines. Upon the written request of any mine owner or operator, or of ten coal miners employed at any one mine, it shall be the duty of the inspector to test any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner or operator to the fact, and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and exact weights, and he shall forbid the further operation of such mine until such scales are adjusted. In the event that such tests shall conflict with any test made by any county sealer of weights, or under and by virtue of any municipal ordinance or regulation, then the test by such mine inspector shall prevail.

TEST WEIGHTS. (*k*) For the purpose of carrying out the provisions of this Act, each State inspector shall be furnished by the State with a

complete set of standard weights suitable for testing the accuracy of track scales and of all smaller scales at mines; said test weights to be paid for on bills of particulars, certified by the Secretary of State and approved by the Governor. Such test weights shall remain in the custody of the inspector for use at any point within his district, and for any amounts expended by him for the storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

INSPECTORS' ANNUAL REPORTS. (*l*) Each State inspector of mines shall, within sixty days after June 30th of each year, prepare and forward to the State Mining Board a formal report of his acts during the year in the discharge of his duties, with any recommendations as to legislation he may deem necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said board all desired statistics of mines and miners within his district to accompany said annual report.

REPORTS TO BE PUBLISHED. (*m*) On the receipt of said inspectors' reports the chief clerk of the State Mining Board shall compile and summarize the same, to be included in the report of said board, to be known as the Annual Coal Report, which shall, within four months thereafter, be bound, printed and transmitted to the Governor for the information of the General Assembly and the public. The printing and binding of said reports shall be provided for by the Commissioners of State Contracts in like manner and in like numbers as they provide for the publication of other official reports to the Governor.

REPORTS BY OPERATOR. (*n*) Every coal operator shall, within thirty days after June 30 of each year, furnish to the State mine inspector of the district, on blanks furnished by him prior to said June 30, statistics of the wages and conditions of their employés as required by law. The failure of any inspector to forward to the State Mining Board his formal report, as provided in paragraph (*l*) hereof, or the failure of any coal operator to furnish to the State mine inspector of the district the statistics provided for herein, shall be adjudged a misdemeanor and be subject to a fine of $100.

§ 6. PAY OF INSPECTORS. Each State inspector of mines shall receive as compensation for his services the sum of $1,800 per annum, and for traveling and other necessary expenses each shall receive the sum actually expended for that purpose in the discharge of his official duties: *Provided,* such expenses shall not exceed one hundred dollars ($100) per calandar month for each State inspector of mines, both salary and expenses to be paid monthly by the State Treasurer, on warrants of the Auditor of Public Accounts, from the funds in the treasury not otherwise appropriated; said expense voucher shall show the items of expenditures in detail, with sub-vouchers for the same so far as it is practicable to obtain them. Said vouchers shall be sworn to by the inspector and be approved by the president of the State Mining Board and the Governor.

§ 7. MAPS REQUIRED. (*a*) The operator of every coal mine in the State shall make, or cause to be made, an accurate map or plan of such mine, drawn to a scale not smaller than 200 feet to the inch. All

measurements shall be in feet and decimals of a foot. On such maps shall appear the name of the State, county and township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

SURFACE SURVEY. (*b*) Such map or plan shall accurately show the surface boundary lines of the coal rights pertaining to each mine, and all sections or quarter-section lines or corners within the same; the lines of town lots and streets: the tracks and side-tracks of all railroads, and the location of all wagon roads, rivers, streams, ponds, location and depth of holes drilled for oil, gas or water that penetrate a workable coal seam, and the elevation above the coal seam of any stream or body of water that might endanger the mine.

UNDERGROUND SURVEY. (*c*) For the underground workings, said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms and cross-cuts; the location of the fan or furnace and the direction of the air currents; the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the outcrop line of the seam, if any, on the property.

The general outline of all areas in which pillars have been drawn shall be indicated on the map.

Each underground map also shall show, in feet and decimals thereof, the elevation of the floor of the coal at reasonable intervals on the main entries and cross entries from the bottom of the shaft to the face of the workings; such elevations shall be referred to the floor of the coal at the bottom of the hoisting shaft.

MAP FOR EVERY SEAM. (*d*) A separate and similar map, drawn to the same scale, shall be made of each and every seam, which, after the passage of this Act, shall be worked in any mine, and the maps of all such seams shall show all shafts, inclined planes or other passageways connecting the same.

SEPARATE MAPS FOR THE SURFACE. (*e*) A separate map also shall be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn on transparent cloth or paper, so that it can be laid upon the map of the underground workings, and thus indicate the relation of lines and objects on the surface to the excavations of the mine.

THE DIP. (*f*) Each map shall also show by profile drawing and measurements, in feet and decimals thereof, the rise and dip of the seam from the bottom of the shaft in either direction to the face of the workings.

COPIES FOR INSPECTORS AND RECORDERS. (*g*) The original or true copies of all such maps shall be kept in the office at the mine, and one true copy thereof shall be furnished to the State inspector of mines for the district in which said mine is located, and one shall be filed in the office of the recorder of the county in which the mine is located, within

thirty days after the completion of the same. The maps so delivered to the inspector and to the recorder shall remain in the custody of said inspector and recorder during their respective terms of office, and be delivered by them to their successors in office. They shall be kept at the office of the inspector and of the recorder, and be open to the examination of all persons interested in the same, but such examination shall be made only in the presence of the inspector or the recorder. Neither the inspector nor the county recorder shall permit any copies of the same to be made without the written consent of the operator or the owner of the property.

The county recorder shall properly index such map as part of the title record of the property affected.

A copy of each map and extensions to the same shall be furnished the manager of the mine rescue stations for his use in connection with rescue work only.

ANNUAL SURVEYS. (*h*) An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months prior to July 1, of every year, and the results of said survey, with the date thereof shall be promptly and accurately entered upon the original maps and all copies of the same, so as to show all changes in plan or new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings which have been made since the last preceding survey. The State inspector, the county recorder and the manager of the rescue stations shall be furnished with a copy of the said extended map or of the extensions to said map.

ABANDONED MINES. (*i*) When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make, or cause to be made, a final survey of such mine; to show the entire worked-out area when the mine was closed, and the results of the same shall be duly extended on all maps of the mine and copies thereof herein required to be filed.

SPECIAL SURVEY. (*j*) The State inspector of mines, or the State Mining Board, may order a survey to be made of the workings of any mine in addition to the regular annual survey, the results to be extended on the maps of the same and the copies thereof, whenever the safety of the workmen, unlawful injury to the surface, unlawful encroachment upon adjoining property, or the safety of an adjoining mine requires it.

If the State inspector of mines or the State Mining Board shall believe any map required by this Act is materially inaccurate or imperfect, the State inspector or State Mining Board is authorized to make, or cause to be made, a correct survey and map at the expense of the operator, the cost recoverable as for debt, provided if such test surveys shows the operator's map to be correct, the State shall be liable for the expense incurred, payable in such manner as other State accounts incurred by the State Mining Board.

PENALTIES FOR FAILURE. (*k*) If an operator of any mine refuses or wilfully neglects, for a period of three months, to furnish the said State inspector, the county recorder and the manager of the rescue stations the map or plan of such mine, or a copy thereof, or of the extensions

thereto, as provided for in this Act, such operator shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, in the discretion of the court, and shall stand committed to the county jail until such fine is paid, and, in addition thereto, the State inspector or State Mining Board is hereby authorized to make, or cause to be made, an accurate map or plan of such mine at the expense of the operator thereof; and the cost of the same may be recovered by law from the operator in the same manner as other debts by suit, in the name of the State inspector or the State Mining Board, and for his or its use, and copies of the same shall be filed by him or the board, one each with said recorder and said manager of the rescue stations.

§ 8. SINKING SUBJECT TO INSPECTION. (*a*) Any shaft or other opening in process of sinking, or driving, for the purpose of mining coal, shall be subject to the inspection of the State inspector of mines for the district in which said shaft or opening is located.

(*b*) Over every shaft that is being sunk or shall hereafter be sunk, there shall be a safe and substantial structure to support sheaves or pulley ropes at a height not less than 15 feet above the tipping place. The landing platform of such shaft shall be so arranged that material can not fall into the shaft while the bucket is being emptied or taken from the hoisting rope. If provisions are made to land a bucket on a truck, said truck and platform shall be so arranged that material can not fall into the shaft.

(*c*) Rock or coal shall not be hoisted except in a bucket or on a cage when men are in the bottom of the shaft; and said bucket or cage must be connected to the hoisting rope by a safety hook, clevis or other safety attachment. The rope shall be fastened to the side of the drum and not less than three coils of rope shall remain on the drum. In shafts over 100 feet in depth, suitable provision shall be made to prevent the bucket from swinging while being lowered or hoisted, and guides provided for this purpose shall be maintained at a distance of not more than 75 feet from the bottom of the shaft.

(*d*) An efficient brake shall be attached to the drum of the engine used for hoisting in shaft sinking, and the drum shall be provided with a flange on each end not less than 4 inches in height.

(*e*) Not more than four persons shall be lowered or hoisted in or on a bucket in a shaft at one time, and no person shall ride on a loaded bucket.

(*f*) All blasts in shaft sinking shall be exploded by electric battery.

(*g*) Provision shall also be made for the proper ventilation of shafts while being sunk.

(*h*) No one but a certificated hoisting engineer shall be in charge of the hoisting engines while a shaft is being sunk.

§ 9. TWO PLACES OF EGRESS. (*a*) For every coal mine in this State, whether worked by shaft, slope or drift, there shall be provided and maintained, in addition to the hoisting shaft, or other place of delivery, an escapement shaft or opening to the surface, or an underground com-

municating passageway with a contiguous mine, so that there shall be at least two distinct and available means of egress to all persons employed in such coal mines.

DISTANT FROM MAIN SHAFT. (*b*) In mines sunk after the passage of this Act, the first escapement shaft shall be separated from the main shaft by such extent of natural strata as may be agreed upon by the inspector of the district and the owner of the property, but the distance between the main shaft and the escapement shaft shall not be less than 500 feet nor more than 2,000 feet: *Provided,* that in mines employing ten (10) men or less the distance between the hoisting shaft and the escapement shaft shall not be less than two hundred and fifty (250) feet.

UNLAWFUL TO EMPLOY MORE THAN TEN MEN. (*c*) It shall be unlawful to employ underground, at any one time, more men than in the judgment of the inspector are necessary to complete speedily the connections with the escapement shaft or adjacent mine; and said number must not exceed ten men at any one time for any purpose in said mine until such escapement or connection is completed.

The time allowed for completing such escapement shaft or making such connections with an adjacent mine, as is required by the terms of this Act, shall be three months for shafts 200 feet or less in depth, and six months for shafts less than 500 feet and more than 200 feet, and nine months for all other mines, slopes or drifts, or connections with adjacent mines. The time to date in all cases from the hoisting of coal from the hoisting shaft: *Provided,* that in mines employing ten (10) men or less, the time for completing the escapement shaft shall not be more than six months from the time of hoisting coal.

STAIRWAYS OR CAGES. (*d*) The escapement shaft at every mine opened after the passage of this Act shall be equipped with a substantial stairway, set at an angle not greater than forty-five degrees, which shall be provided with hand rails and with platforms or landings at each turn of the stairway.

If any escapement shaft, at the time of the passage of this Act, be equipped with a cage for hoisting men, such shaft, cage and all equipment used in connection therewith must conform to the requirements of this Act in reference to the hoisting and lowering of men.

PASSAGEWAYS TO ESCAPEMENT. (*e*) Such escapement shaft or opening or communication with a contiguous mine as aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all passageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstructions at least 5 feet high and 5 feet wide. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same in quantities sufficient to obstruct the free and safe passage of men. No passageway to an escapement shaft shall pass through a stable. At all points where the passageway to the escapement shaft or other place of exit is intersected by other roadways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

COMMUNICATIONS WITH ADJACENT MINES. (*f*) When operators of adjacent mines have, by agreement, established underground communications between said mines as an escapement outlet for the men employed in both, the intervening doors shall remain unlocked and ready at all times for immediate use.

When such communication has once been established between contiguous mines, the operator of either shall not close the same without the consent of the operator of the contiguous mine and of the State inspector for the district: *Provided,* that when either operator desires to abandon mining operations the expense and duty of maintaining such communication shall devolve upon the party continuing operations and using the same.

§ 10. GATES AT LANDINGS. (*a*) The upper and lower landing at the top of each shaft, and the opening of each intermediate seam from or to the shaft, shall be kept clear and free from loose materials, and shall be protected with automatic or other gates. At the top landing cage supports, where necessary, must be carefully set and adjusted so as to securely hold the cage when at rest.

LIGHTS ON LANDINGS. (*b*) Wherever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Likewise, as long as there are men underground in any mine, the operator shall maintain a good and sufficient light at the bottom of the shaft thereof, so that persons coming to the bottom may clearly discern the cage and objects in the vicinity.

HOISTING EQUIPMENT. (*c*) Every shaft in which men are hoisted and lowered must be equipped with a cage, or cages, fitted to guide-rails running from the top to the bottom. Said cages must be substantially constructed; they must be furnished with sheet-metal covers adequate to protect persons riding thereon from falling objects; they must be equipped with safety catches. Every cage on which persons are carried must be fitted with iron bars or rings in proper place and sufficient number to furnish a secure hand-hold for every person permitted to ride thereon. There shall be attached to every cage on which men are, or may be, hoisted or lowered, a horn or other device with which signals can be given on the cage.

(*d*) In connection with every hoisting engine used for hoisting or lowering of men there shall be provided as follows:

BRAKE ON DRUM. (1) A good and sufficient brake on the drum, so adjusted that it may be operated by the engineer without leaving his post at the levers.

FLANGES. (2) Flanges attached to the sides of the drum, with a distance when the whole rope is wound on the drum of not less than 4 inches between the outer layer of rope and the greatest diameter of the flange.

ROPE FASTENINGS. (3) One end of each hoisting rope shall be well secured on the drum, and at least three laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft.

The lower end of each rope shall be securely fastened to the cage by suitable sockets and chains.

INDICATOR. (4) An index dial or indicator that plainly shows the engineer at all times the true position of the cages in the shaft.

SIGNALS. (*e*) At every mine where men are hoisted and lowered by machinery there shall be provided means of signaling to and from the bottom man, the top man and the engineer. The signal system shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air or other pneumatic devices, or by ringing a bell. When compressed air or other pneumatic devices are used for signaling, provision must be made to prevent signal from repeating or reversing. The following signals shall be used at mines where signals are required:

From the bottom man to the top: One ring or whistle shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that men are coming up or going down; when return signal is received from the engineer the men shall get on the cage and the proper signal to hoist or lower shall be given.

Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles shall signify accident in the mine and a call for a stretcher.

Six rings or whistles shall signify hold cage perfectly still until signaled otherwise.

From top to bottom, one ring or whistle shall signify: All ready, get on cage.

Two rings or whistles shall signify: Send away empty cage.

Provided, that the operator of any mine may, with the consent of the inspector, add to this code of signals in his discretion. The code of signals in use at any mine shall be conspicuously posted at the top and at the bottom of the shaft, and in the engine room at some point in front of the engineer when standing at his post.

GAUGES. (*f*) Every boiler shall be provided with a glass water gauge and not less than three try cocks and also a steam gauge, except that where two or more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the steam gauge may be placed in said steam drum; and other steam gauge shall be attached to the steam pipe in the engine house, each to be placed in such a position that the engineer and the fireman can readily see what pressure is being carried. Such steam gauges shall be kept in good order, and adjusted and be tested as often, at least, as every six months.

SAFETY VALVES. (*g*) Every boiler shall be provided with a safety valve with weights or springs properly adjusted, except that where two or more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the safety valve may be placed in said steam drum.

INSPECTION OF BOILERS. (*h*) All boilers used in generating steam in and about coal mines or sinking shafts shall be kept in good order,

and the operator of every coal mine where steam boilers are in use shall have said boilers thoroughly examined and inspected by a competent boilermaker or other qualified person, not an employé of said operator, as often as once in every six months, and oftener if the mine inspector shall so require in writing, and the result of every such inspection shall be reported on suitable blanks to said mine inspector.

RUN-AROUND AT BOTTOM. (*i*) At every underground landing where men enter or leave the cage and where men must pass from one side of the cage to the other, there shall be a passageway, free from obstruction and dry as possible, around the shaft not less than three feet wide for the use of men only; and animals or cars shall not be taken through such passageway while men are passing or desirous of passing through such passageway.

REFUGE PLACE ON SHAFT BOTTOM. (*j*) A refuge place or places for men coming out at the close of the day's work shall be provided off the main bottom of cageroom in shaft mines, at a place or places and of such size as shall be approved by the State mine inspector. Such place or places shall be not more than 400 feet from the hoisting shaft. When leaving such refuge places to be hoisted out, the men shall be governed by the rules of the mine.

OBSTRUCTIONS IN SHAFT. (*k*) No accumulation of ice or obstructions of any kind shall be permitted in any shaft in which men are hoisted or lowered; nor shall any dangerous gases or steam be discharged into said shaft in such quantities or at such times as to interfere with the safe passage of men. All surface or other water which flows therein shall be conducted by rings or otherwise to receptacles provided for the same in such manner as to prevent water from falling upon men while passing into or out of the mine or while in the discharge of their duties about the shaft bottom.

INSPECTION. (*l*) All shafts by which men enter or leave the mine, and the passageways leading thereto, or to the works of a contiguous mine used as an escapement shaft shall be carefully examined at least once each week that the mine is operated and the date and findings of such an examination entered promptly in the books kept at the mine for that purpose. If obstructions to the free passage of men are found, their location and nature shall be stated in said report. Such obstructions shall be promptly removed.

§ 11. BUILDINGS ON THE SURFACE. (*a*) After the passage of this Act, there shall not be erected or re-erected on the surface within 100 feet of any hoisting shaft or escapement shaft, any inflammable structure: *Provided,* that this paragraph shall not apply to mines employing ten (10) men or less.

OIL AND OTHER EXPLOSIVES. (*b*) No oils or similarly inflammable materials shall be stored within 100 feet of any hoisting or escapement shaft, nor in any mine.

All explosive materials shall be stored in a fireproof magazine located on the surface not less than 500 feet from all other buildings in connection with the mine, and such magazine shall be so placed as not to jeopardize the free and safe exit of men from the mine in case of an explosion at the magazine.

ENGINE AND BOILER-HOUSE. (*c*) Any building erected after the passage of this Act, for the purpose of housing the hoisting engine or boilers at any mine, shall be substantially fireproof, and no boiler-house shall be nearer than sixty feet to the main shaft or other opening, or to any building or inflammable structure connecting therewith.

§ 12. TOP MAN AND BOTTOM MAN. (*a*) At every shaft where men are hoisted or lowered by machinery, the operator shall station at the top and at the bottom of such shaft a competent man who shall be and is hereby charged with the duty of attending to signals, and is empowered to preserve order and enforce the rules governing the carriage of men on cages. Said top man and bottom man shall be at their respective posts of duty at least half an hour before the hoisting of coal begins in the morning, and remain for half an hour after the hoisting ceases for the day.

SPEED OF CAGES AND OTHER REGULATIONS. (*b*) Cages on which men are riding shall not be lifted nor lowered at a rate of speed greater than six hundred feet per minute, except with the written consent of the inspector. No person shall carry any tools, timber or other materials with him on any cage in motion, except for use in repairing the shaft, and no one shall ride on a cage containing either a loaded or empty car. No cage having an unstable or self-dumping platform shall be used for the carriage of men or materials, unless the same is provided with some device by which said platform can be securely locked, and unless it is locked whenever men or materials are being conveyed thereon. No coal shall be hoisted in any shaft while men are being lowered therein.

RIGHTS OF MEN TO COME OUT. (*c*) Whenever men who have finished their day's work, or have been prevented from further work, shall come to the bottom to be hoisted out, an empty cage shall be given them for that purpose, unless there is an available exit by slope or stairway in an escapement shaft, and providing there is no coal at the bottom ready to be hoisted. In case of injury or *bona fide* illness, a man shall be given a cage at once.

§ 13. SAFETY LAMPS. (*a*) At every mine in this State, the operator shall provide and keep in condition for use not less than two safety lamps and shall provide and keep as many more as may be required in writing by the State mine inspector. Davy lamps shall not be used for any purpose except testing.

(*b*) All safety lamps shall be the property of the operator and when not in use shall remain in the custody of the mine manager or other competent person designated by him, who shall clean, fill, trim, examine and deliver same locked and in safe condition to the men when they enter the mine, or at some underground station designated by the mine manager for that purpose. He shall also receive the lamps from the men when they leave the mine or as they pass the underground lamp station at the end of their shift.

The persons to whom lamps are thus given shall be responsible for the condition and proper use of the safety lamps while in their possession, and their return to the lamp station.

No safety lamps shall be given to any person for use in a mine nor shall any person use a safety lamp in a mine until said person has given evidence satisfactory to the mine manager that he understands the proper use thereof and the danger of tampering with the same.

(*c*) No person except one duly authorized by the mine manager shall have in his possession in any part of the mine where locked safety lamps are used, any matches or other means of producing fire, or any lamp-key or other instrument usable for the opening of a locked safety lamp. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable as hereinafter provided relating to misdemeanors under this Act.

(*d*) Electric lamps which will not ignite explosive gases may be used instead of safety lamps for purposes for which safety lamps are required in this Act except for testing for explosive gas.

§ 14. VENTILATION. (*a*) At every coal mine there shall be provided and maintained artificial means for supplying an amount of air which shall be not less than 100 cubic feet per minute for each person, and not less than 500 cubic feet per minute for each animal in the mine, measured at the foot of the downcast and of the upcast; except in gaseous mines there shall be not less than 150 cubic feet of air per minute for each person in the mine. The inspector shall have power by order in writing to require these quantities to be increased.

(*b*) The main current or air shall be so split or subdivided as to give a separate current of reasonable pure air to every 100 men at work, and the inspector shall have authority to order, in writing, separate currents for smaller groups of men, if, in his judgment, special conditions render it necessary.

(*c*) Doors, curtains or brattices shall be placed at such places as may be designated by the mine manager, subject to the approval of the State inspector, for conducting the required amount of air into the working places. Curtains shall not be permanently used in main entries without the written consent of the State mine inspector.

(*d*) Away from the pillar for the mine bottom, cross-cuts between entries shall be made not more than sixty feet apart without permission of the State inspector of the district and then only in case of "faults." When such consent is given, brattice or other means must be provided within sixty feet of the face to convey the air to the working place until a cross-cut is opened up.

When undercut or sheared, the entry, cross-cut and room-neck may be advanced concurently, but not more than one cutting shall be shot in the room-neck until the cross-cut is finished; and after the entry has advanced fifteen feet beyond the location of the new cross-cut, only one shot shall be fired in the entry to two in either or both the cross-cut and room-neck at the same shooting time.

When not undercut or sheared, the entry and cross-cut may be advanced concurrently, but no room shall be opened in advance of the last open cross-cut, and after the entry has advanced fifteen feet beyond the location of a new cross-cut only one shot shall be fired in the entry to two in the cross-cut at the same shooting time.

Not more than three shots shall be exploded at one shooting time ahead of the last open cross-cut.

(*e*) After the taking effect of this Act, the first cross-cut in the first room off any entry shall not be more than 50 feet from the rib of the entry, and the first cross-cut in the second room shall not be more than 80 feet from the rib of the entry, subsequently first cross-cuts in all the rooms shall be not more than 50 and 80 feet respectively from the rib of the entry. Additional cross-cuts shall not be more than 60 feet apart.

(*f*) All cross-cuts connecting inlet and outlet air courses, except the last one nearest the face, shall be closed with substantial stoppings, to be made as nearly air-tight as possible. In the making of the air-tight partitions or stoppings, no loose material or refuse shall be used.

Cross-cuts between rooms, except the one nearest the face, shall be closed sufficiently to carry to the working places the amount of air required by law.

(*g*) When explosive gas in dangerous quantity is discovered in working places before the men go into the mine in the morning, such gas shall be removed by a special current of air produced by bratticing or from a pipe, before men are permitted to work in such places with other lights than safety lamps.

(*h*) If, in any mine, the conditions are such that in the judgment of the mine manager or the judgment of the State mine inspector expressed in writing, it is necessary to use safety lamps only in working said mine, other lights shall not be used therein.

(*i*) The air from the outlet of the stable shall not pass into the intake air current used for ventilating the working parts of the mine.

(*j*) All doors in mines, used in guiding and directing the ventilating currents shall be hung and adjusted so as to close automatically.

(*k*) At all doors through which three or more drivers are hauling coal on any one shift, an attendant shall be employed on said shift for the purpose of opening and closing said doors when trips of cars are passing to and from the workings: *Provided,* the mine inspector, in case of specially dangerous conditions, shall have power to require in writing that an attendant be placed at doors through which less than three drivers pass. Places for shelter shall be provided at such doorways to protect the attendants from being injured by the cars while attending to their duties: *Provided,* that in any one or all mines, where doors are constructed in such a manner as to open and close automatically, attendants and places for shelter shall not be required.

(*l*) If the inspector shall find men working without the amount of air required by law, he shall at once notify the mine manager to increase the amount of air in accordance with the law. Upon the failure or refusal of the manager to act promptly, and in all cases where men are endangered by such lack of air, the inspector shall at once order the men affected out of the mine.

(*m*) In case the passageways, roadways or entries of any mine are so dry that the air becomes charged with dust, the operator of such mine must have such roadways regularly and thoroughly sprayed, sprinkled or cleaned.

§ 15. REFUGE PLACES, POWER HAULAGE ROADS. (*a*) On all single-track haulage roads where hauling is done by machinery, which roads the persons employed in the mine must use while performing their work or travel on foot to and from their work, there shall be places of refuge on one side not less than 3 feet in depth from the side of the car, and not less than 4 feet long and 5 feet in height and not more than 60 feet apart. On rope-haulage roads, means of signaling shall be established between the haulage engineer and all points on the road. A conspicuous white light must be carried on the front, and a conspicuous red light or white signal board on the rear of every trip or train of pit cars moved by machinery.

REFUGE PLACES—MULE ROADS. (*b*) On all haulage roads on which the hauling is done by draft animals, whereon men are obliged to be in the performance of their duties or have to pass to and from their work, there shall be places of refuge not less than 2½ feet in width from the side of the car, and not less than 4 feet long and 5 feet in height and not more than 60 feet apart.

ROOM-NECKS AS REFUGE PLACES. (*c*) Refuge places shall not be required in entries on which room-necks at regular intervals not exceeding 60 feet furnish the required refuge places.

KEEPING REFUGE PLACES CLEAR. (*d*) All places of refuge must be kept clear of obstructions and no material shall be stored nor be allowed to accumulate therein. They shall also be whitewashed not less than once in six months.

GOB ON HAULAGE ROADS. (*e*) One side of all haulage roads shall be kept clear of refuse or materials, except timbering, unless the rib or timbering on such side shall be 2½ feet or more from the rail, but in such case materials or refuse shall not be permitted within 2½ feet of the rail.

§ 16. CARS. When there is more than one link on either end of car, no swinging open-hook coupling shall be used on mine cars installed after this Act shall be in force.

Mine cars in use when this Act shall become in force and effect shall be made to comply with this provision within one year thereafter.

§ 17. VOLTAGE. (*a*) Trolley wires or other exposed electrical wires shall not carry a voltage above 275 volts.

WIRES CROSSING HAULAGE WAYS. (*b*) All trolley and positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith.

(*c*) All terminal ends of positive wires shall be guarded so as to prevent persons inadvertently coming in contact therewith.

§ 18. OIL STANDARD. (*a*) All illuminating oils used in coal mines shall conform to such specifications as shall be prescribed by the State Mining Board.

BRANDS OF OIL. (*b*) All oils sold or offered for sale to be used for illuminating purposes in coal mines shall be stamped or branded upon the original barrel or package in which said oil is furnished to the

person, firm or corporation selling or furnishing such oil to show that such oil has been tested and found to conform to the specifications prescribed by the State Mining Board.

PENALTY. (*c*) Any person, firm or corporation, either by themselves, agents or employés, selling or offering to sell for illuminating purposes in any mine in this State any oil not complying with the specifications of the State Mining Board as suitable for illuminating purposes as contemplated in this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense; and any mine owner or operator or employé of such owner or operator who shall knowingly use, or any mine operator who shall knowingly permit to be used, for illuminating purposes in any mine in this State any oil the use of which is forbidden by this Act, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than twenty-five dollars.

SAMPLING AND TESTING. (*d*) The State mine inspectors shall have authority to sample all oil used for illuminating purposes in the mines of this State, or kept on hand for use or for sale at such mines, and for such purpose they may enter upon the premises of any person. It shall be their duty to send to the State Mining Board to be tested a sample of any oil they have reason to suspect does not comply with the specifications of the State Mining Board in regard to illuminating oil for use in mines; and if the said sample of oil is found after suitable tests not to comply with the provisions of this Act, the person using said oil or selling or offering the same for sale, shall be prosecuted in accordance with the provisions of this Act.

§ 19. AMOUNT OF POWDER KEPT IN MINE. (*a*) No blasting powder, or other explosives, shall be stored in any coal mine, and no workman shall have at any time in the mine more than thirty-five pounds of black powder nor more than twenty-five pounds of permissible explosives, nor more than three pounds of other high explosives: *Provided,* that nothing in this section shall be construed to prevent the operator of any mine from taking into the mine, when miners are not therein, and in electrically equipped mines, while the current is turned off on roadways through which it is transported, a sufficient quantity of powder for the reasonable requirements of such mine for the next succeeding working day, but in the interim before such powder is delivered to the men, it shall be kept in a closed receptacle.

Explosives shall not be carried in the same car with tools or other materials.

PLACE AND MANNER OF KEEPING IN THE MINE. (*b*) Every person who has powder or other explosives in a mine shall keep the same in a wooden box, securely locked, with hinged lid, and said box shall be kept as far as practicable from the track; and all powder boxes shall be kept as far as practicable from each other and each in a secluded place. Black powder and high explosives or caps shall not be kept in the same box. Detonating explosives and detonators shall not be kept in the same box.

MANNER OF HANDLING. (*c*) Whenever a workman is about to open a box or keg containing powder or other explosive, and while handling

the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current can not convey sparks to it, and no person shall approach nearer than five feet to any open box containing an open keg of powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire. No miner, workman or other person shall open any receptacle containing an explosive except by the means of opening the same provided by the manufacturer thereof, and it shall be unlawful for any person to have in his possession in any mine any receptacle containing explosive which has been opened in violation of this Act.

QUANTITY OF POWDER IN ONE CHARGE. (*d*) The quantity of powder to be used in the preparation of shots shall not, in any case, exceed five (5) standard charges full of powder in coal seams five and one-half (5½) feet or over in thickness; and shall not, in any case, exceed four (4) standard charges full of powder in coal seams under five and one-half (5½) feet in thickness.

STANDARD CHARGER. (*e*) For the purpose of determining the quantity of powder to be used in the preparation of any given shot, a standard charger is defined and prescribed to be a cylindrical metallic charger not to exceed twelve (12) inches in length and not to exceed one and one-half (1½) inches in diameter.

DEAD HOLES. (*f*) No person shall drill or shoot a dead hole as hereinafter defined. A "dead hole" is a hole where the width of the shot at the point measured at right angles to the line of the hole is so great that the heel is not of sufficient strength to at least balance the resistance at the point. The heel means that part of the shot which lies outside of the powder.

In solid shooting, the width of the shot at the point, in seams of coal six feet or less in height, shall not be greater than the height of the coal, and in seams of coal more than six feet in thickness, the width of the shot at the point shall, in no case, be more than six feet.

In undercut coal, no hole shall be drilled "on the solid" for any part of its length.

MIXED SHOTS. (*g*) In no case shall more than one kind of explosive be used in the same drill hole.

COPPER TOOLS. (*h*) The needle used in preparing a blast shall be made of copper, and any metallic tamping-bar or scraper shall be tipped with at least five (5) inches of copper. A scraper shall not be used for tamping.

TAMPING. (*i*) Every blasting hole shall be tamped full from the explosive to the mouth of the hole, and no coal dust or any material that is inflammable or that may create a spark, whether the same shall be wet or dry, shall be used for tamping.

USE OF SQUIBS. (*j*) When a squib is used to fire a shot it shall be unlawful to shorten or oil the match of the squib or to ignite it except at the end.

WARNING BEFORE FIRING. (*k*) Before firing a shot, the person firing the same shall see that all persons are out of danger from the probable effects of such shot, and shall take measures to prevent any one approaching by shouting "fire" before lighting the same.

NOT MORE THAN ONE SHOT AT A TIME. (*l*) Not more than one shot shall be lighted at the same time in any working place unless the firing is done by electricity or by fuses of such length that the interval between the explosions of any two shots shall be not less than one minute, and in no case shall any shot or shots be fired or lighted which are termed depending or dependent shots, until after the expiration of ten minutes from the successful firing of the relieving shot or shots. When successive shots are to be fired in any working place in which the roof is broken or faulty, the smoke shall be allowed to clear away and the roof examined and made secure between shots.

MISSED SHOTS. (*m*) No person shall return to a missed shot, if lighted with a squib, until five (5) minutes have elapsed from the time of lighting the same, or, if lighted with fuse, until the following day; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery.

(*n*) No missed shot shall be withdrawn excepting by the use of copper tipped or wooden tools.

§ 20. (*a*) It shall be the duty of the mine manager:

1. To visit each working place in the mine at least once in two weeks.

2. To provide a suitable checking system whereby the entrance into and departure from the mine of each employé shall be indicated.

3. To have the underground workings of the mine examined by a certificated mine examiner within twelve hours preceding every day upon which the mine is to be operated. Such a mine examiner shall make the examination as provided in this Act, and he shall enter his report thereof before the men are permitted to enter the mine in the morning in a book provided for that purpose, which book shall be kept in some convenient place on top, but not in the engine room or office, for the information of the inspector and other persons interested therein.

4. To examine the mine examiner's report in the morning, and if the working places are reported dangerous, he shall withhold the entrance checks of men working in such places until he has advised such men of the danger and instructed them not to work in such places until the reported danger has been removed, except for the purpose of removing same.

5. When there is to be a night shift mining coal, the mine manager shall require the places in which such night shift are expected to work to be examined for gas, or falls or dangerous roof, by the person in charge of such night shift or some competent person duly authorized by him before the men enter such places for work. The night shift may go into the mine while the night examiner is in the mine, excepting in mines where marsh gas has been detected in dangerous quantities, provided they do not go into the working places until the required examination is made.

Certificated mine examiners shall not be required for the examination preceding the night shift, excepting in mines where marsh gas is detected in dangerous quantities. The night examiner, or examiners, shall make

a record of their examination in a special book kept for that purpose, which shall be kept in some convenient place on top when not in use by the examiner.

6. He shall provide a sufficient number of props, caps and timbers, when demanded, delivered on the miners' cars at the usual place, in suitable lengths and dimensions for the securing of the roof by the miners.

7. He shall see that the cross-cuts are made at proper distances apart, and that the necessary doors, curtains, and brattices are provided to secure the men in the mine the volume of air required by this Act, or by the written demands of the mine inspector; also, that all stoppings along air-ways are properly and promptly built.

8. He shall keep careful watch over all ventilating apparatus and the air currents in the mine, and in case of accident to fan or machinery by which the air currents are stopped or materially obstructed, he shall at once order the withdrawal of the men from the mine and prohibit their return until the required ventilation has been reëstablished.

9. He shall measure the air current or cause the same to be measured at least once each week at the inlet and outlet, and shall keep a record of such measurements for the information of the mine inspector.

10. He or his assistant shall, at least once a week, examine the roadways leading to the escapement shaft or other openings for the safe exit of men to the surface; and shall make a record of any obstructions to travel he may encounter therein, together with the date of their removal.

11. He shall examine or designate a competent person to examine the hoisting ropes, cages and safety catches every morning, and shall require the ropes to be tested by hoisting the cages before the men are lowered.

12. He must see that the top man and bottom man are on duty and that sufficient lights are maintained at the top and bottom landings when the miners are being hoisted and lowered.

13. The mine manager or his assistant shall be at his post at the mine when the men are lowered into the mine in the morning for work, and shall remain at night until all the men employed during the day shall have been hoisted out.

14. He shall give special attention to and instructions concerning the proper storage and handling of explosives in the mines.

15. He shall see that all dusty haulage roads are thoroughly sprinkled at regular intervals designated by the mine inspector.

(*b*) The mine manager shall have power:

1. To instruct employés as to their respective duties and to require of all employés obedience to the provisions of the mining law.

2. To prescribe special rules concerning the proper storage and handling of explosives in the mine and concerning the time and manner of placing and discharging the blasting shots, and it shall be unlawful for any miner to fire shots except according to such rules.

3. In mines in which the works are so extensive that all the duties devolving upon the mine manager cannot be discharged by one man,

competent persons may be designated and appointed as assistants to the mine manager, who shall exercise his functions under the mine managers' instructions.

§ 21. CERTIFICATED MINE EXAMINERS. (*a*) A certificated mine examiner shall be required at all coal mines. There shall be one or more additional certificated mine examiners whenever required in writing by the State mine inspectors when the conditions are such as to make the employment of such additional mine examiners necessary.

(*b*) It shall be the duty of the mine examiner:

1. To examine the underground workings of the mine within twelve hours preceding every day upon which the mine is to be operated.

2. When in the performance of his duties, to carry with him a safety lamp in proper order and condition and a rod or bar for sounding the roof.

3. To see that the air current is traveling in its proper course and in proper quantity; and to measure with an anemometer the amount of air passing in the last cross-cut or break-through of each pair of entries, or in the last room of each division in long-wall mines, and at all other points where he may deem it necessary; and to note the results of such measurements in the mine examiner's book kept for that purpose.

4. To inspect all places where men are required in the performance of their duties to pass or to work, and to observe whether there are any recent falls or dangerous roof or accumulations of gas or dangerous obstructions in rooms or roadways; and to examine especially the edges and accessible parts of recent falls and old gobs and air courses.

5. As evidence of his examination of said rooms and roadways, to inscribe in some suitable place on the walls of each, not on the face of the coal, with chalk, the month and day of the month of his visit.

6. When working places are discovered in which there are recent falls or dangerous roof or dangerous obstructions, to place a conspicuous mark or sign thereat as notice to all men to keep out; and in case of accumulation of gas, to place at least two conspicuous obstructions across the roadway not less than twenty feet apart, one of which shall be outside the last open cross-cut.

7. Upon completing his examination, to make a daily record of the same in a book kept for that purpose, for the information of the company, the inspector and all other persons interested; and this record shall be made each morning before the miners are permitted to enter the mine.

8. To take into his possession the entrance checks of all men whose working places have been shown by his examination and record to be dangerous, and to give such entrance checks to the mine manager before the men are permitted to enter the mine in the morning.

§ 22. It shall be the duty of the hoisting engineer:

1. To be in constant attendance at his engine or boilers at all times when there are workmen underground. Whenever it is the duty of the engineer to attend to the boilers, means for signaling from the shaft bottom to the boiler-room shall be provided.

2. He shall not permit any one except persons duly authorized to enter the engineroom, and he shall hold no communication with any officer of the company or other person while the engine is in motion or while his attention is occupied with the signals.

3. The engineer or some other properly authorized employé shall:

(*a*) Keep a careful watch over the engines, boilers, pumps, ropes and winding apparatus under his jurisdiction.

(*b*) See that the boilers under his care are properly supplied with water, cleaned and inspected at frequent intervals.

(*c*) See that the steam pressure does not exceed the limit established by the boiler inspector, and frequently try the try cocks and the safety valves and shall not increase the weights on the same.

(*d*) See that the steam and water gauges are kept in good order, and if any of the pumps, valves or gauges become deranged or fail to act, promptly report the fact to the proper authority.

4. He shall thoroughly understand the established code of signals, and when he has the signal that men are on the cage, he must operate his engine at not to exceed the rate of speed permitted by this Act.

5. He shall permit no one to handle, except in the discharge of duty, or meddle with any machinery under his charge or suffer any one who is not a certificated engineer to operate his engine except for the purpose of learning to operate it, and then only in the presence of the engineer in charge and when men are not on the cage.

§ 23. SPECIAL RULES. (*a*) It shall be unlawful for any person knowingly or negligently:

1. To injure or tamper with any appliance or machinery.

2. To carry an open light, pipe or fire in any form into any place worked by the light of safety lamps, or within five feet of an open package of explosive.

3. To open any locked safety lamp without permission from the proper authority.

4. To handle or disturb any part of the hoisting machinery without proper authority.

5. To obstruct or cause any obstruction in any air current or to leave open any door or other means provided to control the air current or to perform any act that will interfere with the ventilating current of the mine without permission to do the same from the mine manager.

6. To deface, pull down or destroy any notice board, danger signal, special rule or record book.

(*b*) No person shall be permitted to or shall enter, work in or about a mine or mine buildings, tracks or machinery connected therewith while under the influence of intoxicants.

(*c*) Every miner shall sound and thoroughly examine the roof of his working place before commencing work, and if he finds loose rock or other dangerous conditions, he shall not work in such dangerous place except to make such dangerous conditions safe. It shall be the duty of the miner to properly prop and secure his place for his own safety with materials provided therefor.

(*d*) It shall be the duty of every operator to post at some conspicuous point at the entrance to the mine, in such manner that the employés of the mine can read them, rules not inconsistent with this Act, plainly printed in the English language, which shall govern all persons working in the mine. And the posting of such notice, as provided, shall charge all employés of such mine with legal notice of the contents thereof.

(*e*) It shall be unlawful for any person to disobey any order given in pursuance of this Act, or to enter any place against a danger signal without permission from the mine manager, or to do any willful act whereby the lives or health of persons working in mines or the securety of the mine or the machinery thereof are endangered.

(*f*) No mine employé shall enter or leave a mine without indicating the fact of entering or leaving said mine by some suitable checking system provided by and under the control of the mine manager.

(*g*) No person, except the persons necessary to operate the trip or car, shall ride on any loaded car or on the outside of any car, or get on or off a car while in motion.

(*h*) It shall be unlawful to change, exchange, substitute, alter or remove any number or check or other device or sign used to indicate or identify the person or persons to whom credit or pay is due for the mining of coal in any car or appliance containing the same, with intent to cheat or defraud any other person of the value of his services for mining the coal contained in such car or appliance, and it shall be unlawful for a person with intent to cheat or defraud any other to place any number, check or other device or sign upon any car or other appliance loaded by any other person in or about the mine. Any violation of this provision shall be deemed a larceny, and upon conviction thereof shall be punishable as provided in the general statutes of Illinois with respect to larceny.

§ 24. TEN-FOOT LIMIT. (*a*) In no case shall the workings of any mine be driven nearer than 10 feet to the boundary line of the coal rights pertaining to said mine, except for the purpose of establishing an underground communication between contiguous mines, as provided for elsewhere in this Act, or except by mutual agreement in writing between the adjoining owners.

APPROACHING ABANDONED WORKINGS. (*b*) Whenever any working place approaches within 50 feet of abandoned workings of which there is a map prepared as required by law and which may contain dangerous accumulations of water or of gas, the operator of said mine shall advance by workings not more than 20 feet wide and maintain in advance of the face a bore hole not less than 10 feet in depth and one hole in each rib of the working place 10 feet in depth, which side holes shall be drilled so as to make an angle of not less than forty-five degrees with the direction of the rib. If there is not a map of the abandoned workings, the holes heretofore provided for shall be drilled when the new workings are within 100 feet of where the old workings are supposed to be.

§ 25. DUTY OF INSPECTOR. (*a*) Any loss of life or personal injury in or about any coal mine shall be reported without delay by the person

having charge of said mine to the State mine inspector of the district in which the mine is located, and the said inspector, in case of injury, if he deem necessary from the facts reported, and in all cases of loss of life, shall go immediately to the scene of said accident and render every possible assistance to those in need.

Every operator of a coal mine shall make or cause to be made and preserve for the information of the State mine inspector, upon uniform blanks furnished by said inspector, a record of all deaths and all injuries sustained by any of his employés in the pursuance of their regular occupations.

CORONER'S INQUEST. (*b*) If any person is killed in or about a mine, the operator shall also notify the coroner of the county, or in his absence or inability to act, any justice of the peace of said county, who shall hold an inquest concerning the cause of such death. The State mine inspector may question or cross-question any witness testifying at the inquest.

INVESTIGATION BY INSPECTOR. (*c*) The State mine inspector shall make a personal investigation as to the nature and cause of all serious accidents within his jurisdiction. He shall make a record of the circumstances attending the same, as developed by the coroner's inquest and his own personal investigation, which record shall be preserved in the files of his office, and a copy thereof filed with the State Mining Board. To enable him to make such investigation he shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them, and the cost of such investigations shall be paid by the county in which such accident has occurred, in the same manner as the costs of coroner's inquests are paid.

§ 26. STRETCHERS AND BLANKETS. At every mine, it shall be the duty of the operator thereof to keep always on hand, and at some readily accessible place, a properly constructed stretcher, a woolen and waterproof blanket, and a roll of bandages in good condition and ready for immediate use for binding, covering and carrying any one who may be injured at the mine. When 100 or more men are employed at any mine, two stretchers and two woolen and two waterproof blankets, with a corresponding number of bandages, shall be provided and kept on hand. At mines where fire-damp is generated, there shall also be provided and kept in store a suitable supply of linseed or olive oil, for use in case where men are burned by an explosion.

§ 27. SCALES. (*a*) The operator of every coal mine where miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales for the weighing of such coal, and a correct record shall be kept of all coal so weighed, and said record shall be open at all reasonable hours to the inspection of miners and others interested in the product of said mine.

WEIGHMAN. (*b*) The person authorized to weigh the coal and keep the record as aforesaid shall, before entering upon his duties, make and subscribe to an oath before some person duly authorized to administer oaths, that he will accurately weigh and carefully keep a true record of all coal weighed, and such affidavit shall be kept conspicuously posted at the place of weighing.

CHECK WEIGHMAN. (*c*) The miners at work in any coal mine may employ a check weighman at their option and at their own expense, whose duty it shall be to balance the scales and see that the coal is properly weighed, and that a correct account of the same is kept, and for this purpose he shall have access at all times to the beam box of said scales, and be afforded every facility for verifying the weights while the weighing is being done. The check weighman so employed by the miners, before entering upon his duties, shall make and subscribe to an oath before some person duly authorized to administer oaths, that he will faithfully discharge his duties as check weighman, and such oath shall be kept conspicuously posted at the place of weighing.

§ 28. BOYS AND WOMEN. No boy under the age of sixteen years, and no woman or girl of any age, shall be permitted to do any manual labor in or about any mine, and before any boy can be permitted to work in any mine he must produce to the mine manager or operator thereof an affidavit from his parent or guardian or next of kin, sworn and subscribed to before a justice of the peace or notary public, that he, the said boy, is sixteen years of age.

The parent, guardian or next of kin shall submit in connection with said affidavit, a certificate of birth, a baptismal certificate, a passport or other official or religious record of the boy's age or duly attested transcript thereof, which certificate or transcript thereof shall, for the purposes of this Act, establish the age of said boy.

Any person swearing falsely in regard to the age of a boy shall be guilty of perjury, and shall be punished as provided in the general statutes of the State pertaining to perjury.

§ 29. PENALTIES. (*a*) Any willful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this Act, on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any inspector in the discharge of the duties herein imposed upon him, or any refusal to comply with the instructions of an inspector given by authority of this Act shall be deemed a misdemeanor punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court: *Provided,* that in addition to the above penalties, in case of the failure of any operator to comply with the provisions of this Act in relation to the sinking of escapement shafts and the ventilation of mines, the State's attorney for the county in which such failure occurs, or any other attorney, in case of his neglect to act promptly, shall proceed against such operator by injunction without bond, to restrain him from continuing to operate such mine until all legal requirements shall have been fully complied with.

(*b*) Any inspector who shall discover that any section of this Act, or part thereof, is being neglected or violated, shall order immediate compliance therewith, and, in case of continued failure to comply, shall have power to stop the operation of the mine, or remove any offending person or persons from the mine until the law is complied with.

(*c*) For any injury to person or property, occasioned by any willful violation of this Act, or willful failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the personal representatives of the person so killed for the exclusive benefit of the widow and next of kin of such person and to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives not to exceed the sum of ten thousand dollars: *Provided,* that every such action for damages in case of death shall be commenced within one year after the death of such person: *And, provided, further,* that the amount recovered by the personal representative of the person so killed shall be distributed to the widow and next of kin of such person in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate. *Provided,* that if and whenever there shall be in force in this State, a statute or statutes providing for compensation to workmen for all injuries received in the course of their employment, the provisions thereof shall apply in lieu of the right of action for damages provided in this Act.

§ 30. DEFINITION OF TERMS. MINE. (*a*) Where used in this Act, the words "mine" and "coal mine" are intended to signify any and all parts of the property of a mining plant, on the surface or underground, which contribute, directly or indirectly, under one management, to the mining or handling of coal.

EXCAVATION OR WORKINGS. (*b*) The words "excavation" and "workings" signify any or all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working place, whether abandoned or in use.

SHAFT. (*c*) The term "shaft" means any vertical opening through the strata which is or may be used for purposes of ventilation or escapement, or for the hoisting or lowering of men and material in connection with the mining of coal.

SLOPE. (*d*) The term "slope" means any inclined way in or to a seam of coal to be used for the same purposes as a shaft.

DRIFT. (*e*) The term "drift" means any practically horizontal way in or to a seam of coal to be used or the same purpose as a shaft.

OPERATOR. (*f*) The term "operator" as applied to the party in control of a mine in this Act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant, and, as such, responsible for the condition and management thereof.

MINE MANAGER. (*g*) The "mine manager" is the person who is charged with the general direction of the underground work.

MINE EXAMINER. (*h*) The "mine examiner" is the person charged with the examination of the underground workings of the mine before the miners are permitted to enter it in the morning.

§ 31. That an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein, approved April 18, 1899, and in force July 1, 1899," with amendments to July 1, 1910; also

An Act entitled, "An Act to prohibit the use of certain oils in coal mines and penalties for infraction of same," approved April 30, 1895, in force July 1, 1895; also

An Act entitled, "An Act concerning the use of powder in coal mines, approved and in force May 14, 1903, as amended by an Act approved May 24, 1907, in force July 1, 1907;" also

An Act entitled, "An Act to provide for the weighing of coal at the mines, and to repeal a certain Act therein named," approved June 17, 1887, in force July 1, 1887, be and each of said Acts is hereby repealed.

APPROVED June 6, 1911.

FIRE FIGHTING EQUIPMENT IN COAL MINES.

(House Bill No. 547. Approved June 7, 1911.)

AN ACT *to amend sections 2, 4, 5, 6 and 7 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved March 8, 1910, in force March 8, 1910.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2, 4, 5, 6 and 7 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved March 8, 1910, in force March 8, 1910, be and the same are amended to read as follows:

§ 2. (*a*) There shall be provided a supply of water for fighting fire underground which shall have a head from a standing body in a pipe, tank or pond.

(*b*) Such water supply shall be conducted into the mine in an iron or steel pipe or pipes not less than two inches in diameter, which shall have not less than two hose connections at the bottom of the hoisting shaft, and two hose connections at the bottom of the air and escapement shaft designated as such under the law, and two hose connections in each stable which is located less than five hundred (500) feet from the bottom of either of said shafts; and there shall be iron or steel pipes not less than two inches in diameter in the entries and passageways leading from the bottom of each of said shafts to such extent and in such position that with one (1) fifty foot length of hose the water may be carried into all such entries and passageways within three hundred (300) feet from the bottom of each of said shafts and into the corresponding area in slope and drift mines, such area to be designated in this Act as the fire protected area:

(*c*) Provided, that in mines having one hundred and twenty-five (125) feet or less head at the bottom of the incoming supply pipe, the

incoming pipes and the pipes having hose connections shall be not less than three (3) inches in diameter. The pipes in the mine shall have hose connections not more than fifty (50) feet apart beginning at the bottom of the incoming supply pipe or pipes.

(*d*) There shall be kept constantly on hand at the bottom of each shaft where hose connections are required, in condition for immediate use, not less than two (2) fifty (50) foot lengths of one and one-half (1½) inch inside diameter linen hose or rubber-lined cotton hose, which shall have been tested to a pressure of two hundred (200) pounds to the square inch; all of such hose and the connections therefor on the supply pipes shall have American Standard iron pipe threads. The nozzles on such hose shall be not less than three-eighths (⅜) nor more than five-eighths (⅝) inch in diameter.

(*e*) Where any part of any passageway or other excavation within one hundred and fifty (150) feet of the bottom of the hoisting shaft or the air and escapement shaft designated as such under the law and in the corresponding area in slope or drift mines, is timbered, with cribbing or more than one layer of lagging not including caps or wedges, above the cross bars, there shall be two lines of automatic sprinklers on the under side of such timbering, attached to not less than one and one-half (1½) inch pipes connected with the fire fighting water supply, and such sprinklers shall not be more than ten (10) feet apart.

(*f*) In cribbing or lagging as last aforesaid, which is more than three (3) feet in vertical thickness, there shall be also, as near the top thereof as is practicable, automatic sprinklers connected with the water supply as last aforesaid and there shall be one such sprinkler for each eight (8) feet square of horizontal area of such cribbing or lagging.

(*g*) In every underground stable, located within one thousand (1,000) feet of the hoisting shaft or the air and escapement shaft designated as such under the law, there shall be not less than one (1) automatic water sprinkler for each area eight (8) feet square in said stable; such automatic sprinklers shall be connected with iron or steel pipes not less than one and one-half (1½) inches in diameter along the roof or ceiling in the stable, which shall be connected with the fire fighting water supply.

(*h*) All automatic sprinklers shall be of the fusible plug type and shall not require a temperature of more than one hundred and sixty-five (165) degrees Fahrenheit to release the water.

(*i*) In all underground stables other than those heretofore in this Act referred to, there shall be kept barrels full of water and two metal pails with each barrel. Such barrels shall be not more than fifty (50) feet apart, and there shall be not less than two (2) barrels full of water and two (2) metal pails with each barrel in each entry or passageway into which such stable opens and not more than fifty (50) feet from the opening of the stable.

(*j*) There shall also be one (1) not less than three (3) gallon chemical fire extinguisher and two (2) not less than six (6) gallon hand-pump buckets in each stable and in each entry or passageway into which such stable opens not more than fifty (50) feet from the opening of such stable: *Provided,* that in mines employing ten (10)

men or less underground, the chemical fire extinguishers shall not be required. Such chemical fire extinguishers and hand-pump buckets shall be kept filled and ready for use:

(*k*) *Provided, however,* that in coal mines in which less than ten (10) men are employed, in which there are no stables, in lieu of said water supply with pipes and hose, there may be substituted the following: There shall be kept within the fire protected area in each such mine, barrels full of water not more than fifty (50) feet apart, and with each barrel there shall be two metal buckets; and there shall also be kept within said area not less than six (6) hand-pump buckets of not less than six (6) gallons capacity, and said buckets shall be kept filled and ready for use.

(*l*) A barrel within the meaning of this Act shall be any substantial vessel holding not less than fifty (50) gallons.

(*m*) All mines shall have at least one, not less than three (3) gallon chemical fire extinguisher, and one not less than six (6) gallon hand-pump bucket, including those hereinbefore in this Act required, for each fifty (50) employés in the mine with a minimum of six (6) extinguishers and six (6) pump buckets, kept at convenient places designated by the mine manager throughout the mine, and such extinguishers and buckets shall be kept filled and ready for use: *Provided,* that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required.

§ 4. (*a*) No underground stable, unless so constructed as to be fire-proof throughout, shall be nearer than six (6) yards to any regular traveling way, and every underground stable shall have at each opening a fire-proof door with a door frame of concrete, stone or brick laid in mortar.

(*b*) Every such stable, which contains more than ten (10) stalls, shall have a cement or brick partition, with a fire-proof door therein, for each ten (10) stalls or less; or, in lieu of said partition, the stable shall be lined with cement plaster on wire lathing or other fire-proof material, where inflammable material is exposed.

(*c*) All hay, bedding and feed underground, except that in the mangers and stalls, shall be kept in a closed cement, brick, stone or metal receptacle; and not more than forty-eight (48) hours' supply of hay or bedding shall be kept underground, and not more than one week's supply of grain.

(*d*) All hay and bedding taken into the mine shall be baled. Hay, bedding and feed shall be taken into the mine only in a closed car or box, which shall be kept closed until the materials are removed to the receptacles provided therefor.

(*e*) No light with an unprotected flame shall be taken into an underground stable by any person.

§ 5. (*a*) There shall be a system of party line telephones which shall include one telephone on the surface not more than two hundred (200) feet from the tipple, and one at the bottom of the hoisting shaft, or, in slope or drift mines at the first cross entries in operation; and, in

addition thereto, there shall be one telephone at each inside parting. Telephone lines shall be constructed in a workmanlike manner and shall be repaired promptly when necessary.

(*b*) On becoming aware of any serious danger requiring the inside employés to come out of the mine, it shall be the duty of the person having charge of the outside or inside telephone immediately to give notice of the danger to the other telephone stations; and it shall be the duty of all persons who receive information thereof to coöperate in giving notice thereof to all other persons in the mine. It shall be the special duty of all drivers, motormen and trip riders to notify all other drivers, motormen, trip riders or miners from whom they haul coal, of any danger requiring them to leave the mine.

(*c*) Certain employés whose regular work is in or near the fire protected areas shall have graded authority and designated duties in case of fire; and rules and instructions therefor shall be included in the regular rules of the mine, and such employés shall be instructed therein by the mine manager.

(*d*) There shall be a fire drill of such employés not less often than once in two weeks, and the pipes, connections and hose shall be tested at such drills.

§ 6. The following requirements also shall apply to all coal mines developed within the State of Illinois after the passage of this Act: *Provided,* that paragraphs (a) and (b) shall not apply to mines where ten (10) men or less are employed.

(*a*) The hoisting shaft and the air and escapement shaft designated as such under the law in shaft mines and the air and escapement shaft nearest the main opening in slope or drift mines, shall be of fire-proof construction, except that cage guides may be wood: *Provided,* that this section shall not apply to shafts in actual course of construction at the time this Act takes effect.

(*b*) The roof and walls of the passageways leading from the bottom of the hoisting shaft and the air and escapement shaft designated as such under the law, within a distance of three hundred (300) feet from the bottom of either of said shafts, shall be of fire-proof construction, except that the coal rib or pillar may be used as a wall in such passageways.

(*c*) All underground stables and the openings therein shall be of fire-proof construction.

(*d*) At mines constructed in conformity with the requirements of this section of this Act, the fire fighting equipment described in section 2, and the fire drill described in section 5 of this Act shall not be required, except that there shall be kept at convenient places designated by the mine manager, throughout each mine, one not less than three (3) gallon chemical fire extinguisher and one not less than six (6) gallon hand-pump bucket, for each fifty (50) employés in the mine with a minimum of six (6) extinguishers and six (6) pump buckets, and such extinguishers and buckets shall be kept filled and ready for use: *Provided,* that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required.

§ 7. (*a*) Any willful neglect, refusal or failure to obey the requirements or provisions of this Act, or willfully giving a false danger signal or tampering with any of the appliances required by the provisions of this Act, shall be deemed a misdemeanor, punishable by a fine of not less than fifty dollars ($50.00) and not to exceed two hundred dollars ($200.00), or by imprisonment in the county jail for a period not exceeding three (3) months, or both, in the discretion of the court.

(*b*) Upon final conviction of any mine manager or any miner, under the provisions of this Act, his certificate of competency shall be thereby invalidated; and it shall be the duty of the State Mining Board in the case of a mine manager or the miners' examining board which shall have issued such certificate in the case of a miner, to cancel and revoke the certificate of competency of the person so convicted; and such person shall not be entitled to receive another certificate of competency within three (3) months from the date of such cancellation and revocation.

(*c*) If any State mine inspector, or any county mine inspector shall find that any provision of this Act is being violated, it shall be his duty to file a sworn complaint before any court of competent jurisdiction, stating the facts within his knowledge in such case and asking that the person charged with such violation be bound over to the next grand jury for said county; and it shall be the duty of the State's attorney for the county in which such violation occurs to prosecute such complaint as provided by law in other State cases.

Each county mine inspector shall report at least once a month to the State mine inspector for the district in which said county mine inspector is working, stating the mines he has examined, the violations of this Act which he has discovered and the complaints he has filed under the provisions of this Act.

(*d*) If the county mine inspector shall fail to file a complaint, as herein required, of a violation of this Act which he shall have reported to the State mine inspector, and in all other cases of violation of this Act which shall have come to the knowledge of a State mine inspector in the discharge of his duties it shall be the duty of such State mine inspector to file a sworn complaint before any court of competent jurisdiction, stating the facts reported to him by the county mine inspector, or coming to his knowledge in the discharge of his duties, and asking that the person charged with such violation be bound over to the next grand jury for said county; and it shall be the duty of the State's attorney for the county in which such violation occurs to prosecute such complaint as provided by law in other State cases.

(*e*) If any State mine inspector or any county mine inspector shall willfully fail, neglect or refuse to file a complaint as herein required, or shall willfully disregard the duties required of him by the provisions of this Act, a sworn complaint may be filed by any person having knowledge of the facts, before any court of competent jurisdiction, charging said county mine inspector or said State mine inspector, as the case may be, with nonfeasance in office and asking that such

inspector be bound over to the next grand jury for said county, and the State's attorney for the county in which such violation occurs shall prosecute such complaint as provided by law in other State cases.

Upon final conviction for nonfeasance in office under the provisions of this Act, of any State mine inspector or any county mine inspector, his certificate of qualification or of competency, as the case may be, shall be thereby invalidated and he shall become disqualified from holding such office, and such person shall not be entitled to receive another certificate of qualification or of competency, as the case may be, within three (3) months from the date of such final conviction.

§ 8. WHEREAS, An emergency exists, therefore, this Act shall be in force and effect from and after its passage.

APPROVED June 7, 1911.

REGULATING CHARACTER OF POWDER TO BE USED IN COAL MINES.

(House Bill No. 548. Approved June 7, 1911.)

AN ACT *to promote the safety of persons and property in coal mines by regulating the character of black blasting powder sold to be used in coal mines.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That black powder for use for blasting in coal mines shall conform to the following specifications:

(*a*) It shall have a specific gravity of not less than 1.74 nor more than 1.90.

(*b*) It shall have a moisture content of not to exceed 1 per cent at the time when shipped by the manufacturer or his agent.

(*c*) Said powder shall be sold for use in coal mines only in seven sizes of granulation, to be determined as follows:

CCC shall be powder which shall pass through a screen having round hole perforations of 40-64 of an inch in diameter and remain on a screen having round hole perforations of 32-64 of an inch in diameter.

CC shall be powder which shall pass through a screen having round hole perforations of 36-64 of an inch in diameter and remain on a screen having round hole perforations of 24-64 of an inch in diameter.

C shall be powder which shall pass through a screen having round hole perforations of 27-64 of an inch in diameter and remain on a screen having round hole perforations of 18-64 of an inch in diameter.

F shall be powder which shall pass through a screen having round hole perforations of 20-64 of an inch in diameter and remain on a screen having round hole perforations of 12-64 of an inch in diameter.

FF shall be powder which shall pass through a screen having round hole perforations of 14-64 of an inch in diameter and remain on a screen having round hole perforations of 7-64 of an inch in diameter.

FFF shall be powder which shall pass through a screen having round hole perforations of 9-64 of an inch in diameter and remain on a screen having round hole perforations of 3-64 of an inch in diameter.

FFFF shall be powder which shall pass through a screen having round hole perforations of 5-64 of an inch in diameter and remain on a screen having round hole perforations of 2-64 of an inch in diameter.

In testing powder for size of granulation as herein required, it shall be permissible for a given size to contain not to exceed 7½ per cent by weight of grains of the size next larger and 7½ by weight of grains of the size next smaller.

§ 2. All black powder sold for use in coal mines in this State shall have plainly stamped on the keg or package in which it is contained the letter showing the size of granulation according to the requirements of this Act.

§ 3. Any person, firm or corporation who shall sell for use in coal mines in this State any black powder not stamped as herein required, or who shall knowingly sell for use in coal mines in this State any powder which is untruthfully branded or stamped, and any person, firm or corporation being a manufacturer of black powder, or the agent of any such manufacturer of black powder who shall sell for use in any coal mine in this State, any powder which shall not conform to the requirements of this Act in respect to the specific gravity and moisture content shall be guilty of a misdemeanor, and shall be punishable by a fine of not exceeding $100.00 or by imprisonment in the county jail for not exceeding ninety (90) days, or both, in the discretion of the court.

§ 4. (*a*) State mine inspectors and deputy mine inspectors shall have authority to sample black blasting powder used for blasting purposes in coal mines in this State, or kept on hand for sale or intended for shipment for use in such mines, and for such purpose they may enter upon the premises of any person.

(*b*) An inspector when sampling black blasting powder shall secure as accurate an average sample as is practicable, and shall test the granulation of such sample with the screens provided for in this Act.

(*c*) If the inspector shall desire to have said sample tested for specific gravity or moisture content, he shall send the same to the State Mining Board for that purpose, and when such samples are intended to be tested for moisture content, they must be taken at the mill or warehouse of the manufacturer or manufacturer's agent, or in the railroad car for shipment at said mill or the warehouse; and said samples when so taken shall be immediately sealed moisture-proof before being sent to the State Mining Board.

When such samples are received by the State Mining Board they shall cause the same to be properly and accurately tested for specific gravity and for moisture content.

(*d*) If samples of powder when sampled and tested as provided in this Act shall be found not to comply with the provisions herein, the person, firm or corporation guilty of violating the provisions of this Act shall be prosecuted in accordance with the provisions hereof.

APPROVED June 7, 1911.

Oil and Gas Wells in Vicinity of Coal Mines.

(House Bill No. 546. Approved June 7, 1911.)

An Act *to amend an Act entitled, "An Act in relation to sinking, filling and operating of oil or gas wells," approved and in force May 16, 1905.*

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled, "An Act in relation to sinking, filling and operating of oil or gas wells," approved and in force May 16, 1905, be and the same is hereby amended to read as follows:

§ 1. No oil or gas well shall be drilled hereafter nearer than 250 feet to any opening to a mine used as a means of ingress or egress for the persons employed therein or which is used as an air shaft.

§ 2. It shall be the duty of any person, firm or corporation having the custody or control of any well drilled for gas or oil, and of the owner of the land in which such well is drilled, when the drill hole penetrates a coal seam, to file in the office of the recorder of the county in which said oil or gas well is drilled, and in the office of the State Mining Board, within fifteen days after completing said well, a statement and map giving the location and depth of every well so drilled and the county recorder shall file and enter and index same in the records of his office relating to the titles to real property.

§ 3. Before the casing shall be drawn from any well for the purpose of abandonment thereof, which has been drilled into any gas or oil bearing rock, it shall be the duty of any person, firm or corporation having the custody or control of such well at the time of such abandonment, and also the owner or owners of the land wherein such well is situated, to properly and securely stop and plug the same in the following manner: Such hole first be solidly filled from the bottom thereof to a point at least twenty feet above such gas or oil bearing rock with sand, gravel or pulverized rock, immediately on the top of which filing shall be seated a dry wood plug not less than two feet in length, having a diameter of not less than one-fourth of an inch less than the inside diameter of the casing in such well. And above such wooden plug such well shall be solidly filled for at least twenty-five feet with the above-mentioned filling material, immediately above which shall be seated another wood plug of the same kind and size as above provided, and such well shall again be solidly filled for at least twenty-five feet above such plug with such filling material. After the casing has been drawn from such well there shall immediately be seated at the point where such casing was seated a cast iron ball or tampered wood plug at least two feet in length, the diameter of which ball or the top of which wood plug shall be greater than that of the hole below the point where such casing was seated, and above such ball or plug such well shall be solidly filled to top of well with the aforesaid material.

§ 4. The person, firm or corporation owning or having control or custody of any such well, or the land in which any such well is situated, shall file or cause to be filed in the office of the recorder of the county

in which any such well is located, within fifteen days after the same has been plugged, as provided in section 3, the affidavit of at least two persons who were present during the plugging of such well, which affidavit shall be recorded in the record books in the office of the recorder of such county, and shall set out in detail the manner in which such well was plugged and the depth of each such wood plugs and iron ball below the surface of the ground, and the record of such affidavit shall be *prima facie* evidence in any court of a compliance with the provisions of this Act.

§ 5. It shall be the duty of any person, firm or corporation sinking a well in any oil or gas bearing rock, or having sunk such well and maintaining the same, to case off and keep cased off all fresh water from such well.

§ 6. Any person, firm or corporation violating the provisions of section 1, or failing to comply with the provisions of section 2 of this Act, or who shall fail or refuse to plug a well in the time and manner provided in section 3 of this Act, or shall fail or neglect to secure and file in the proper recorder's office the affidavit provided for and required in section 4 of this Act, or shall fail and neglect to properly case off fresh water from such well and keep the same cased off while said well is maintained, as provided in section 5 of this Act, shall be liable to a penalty of one hundred dollars ($100.00) for each and every violation thereof, and the further sum of one hundred dollars ($100.00) for each ten days during which such violation shall continue, and all such penalties shall be recoverable in a civil action brought in any court of competent jurisdiction in any county in which said violation occurred, brought in the name of the State of Illinois on the relation of such county, and for the use and benefit of such county, and in all such cases, if there be recovery by the State, it shall recover in addition to such penalties a reasonable attorney's fee.

§ 7. WHEREAS, An emergency exists for the immediate taking effect of this Act, therefore, the same shall be in force and effect from and after its passage.

APPROVED June 7, 1911.

MINING INVESTIGATING COMMISSION.

(Senate Bill No. 486. Approved May 27, 1911.)

AN ACT *to establish the Mining Investigating Commission of the State of Illinois, and prescribing its powers and duties and making an appropriation therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a commission be established to be known as the Mining Investigation Commission of the State of Illinois, consisting of three coal mine owners and three coal miners appointed by the Governor, together with three qualified men, no one of whom shall be identified or affiliated with the interests of either of

the mine owners or coal miners or dependent upon the patronage or good will of either, nor in political life, who shall be appointed by the Governor.

Each member of the said commission shall have equal authority, power and voting strength in considering and acting upon any matters which may be brought to the attention of the commission and on which the commission may act and the said commission shall have power and authority to investigate the methods and conditions of mining coal in the State of Illinois with special reference to the safety of human lives and property and the conservation of the coal deposits.

§ 2. In making an investigation as contemplated in this Act, said commissioners shall have the power to issue subpoenas for the attendance of witnesses, which shall be under the seal of the commission and signed by the chairman or secretary of said commission.

In case any person shall willfully fail or refuse to obey such subpoena, it shall be the duty of the circuit court of any county, upon application of the said commissioners, to issue an attachment for such witness, and compel such witness to attend before the commissioners, and give his testimony upon such matters as shall be lawfully required by such commissioners; and the said court shall have the power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

The fees of witnesses shall be the same as in the courts of record and shall be paid out of the appropriation hereinafter made. And upon order duly entered of record by the said commission any one or more members of the said commission shall be empowered to take testimony touching the matters within the jurisdiction of the said commission and report the same to the said commission. Said commission shall have power and are authorized to adopt a seal and to make such rules not inconsistent with or contrary to law for the government of proceedings before it, as it may deem proper and shall have the same power to enforce such rules and to preserve order and a quorum in its presence as is vested by the common law or statute of this State in any court of general jurisdiction.

§ 3. Said commission shall meet at the State Capitol building in Springfield on the second Tuesday after notice of their appointment and shall immediately elect a chairman and secretary from among their number, one of whom shall be a coal mine owner and the other a coal miner. Said commission shall cause a record to be kept of all its proceedings. Five members of the said commission shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn the meetings of the commission from time to time. Meetings of the said commission other than called meetings, as provided for herein, may be held at such times and places within the State of Illinois, as may be fixed by the said commission. A meeting of the said commission shall be held upon the written request of any three members of the said commission signed by them and delivered to the secretary, who shall, upon receipt of such request, notify each member of said commission by mail of such meeting so to be held, and the time and place thereof. And no such meeting shall be held less

than five days after the mailing of notice of the said meeting to the members of said commission by the secretary. Such called meeting shall be held either in Springfield or Chicago.

§ 4. Said commission shall report to the Governor and to the General Assembly at its next regular session, submitting, so far as they have unanimously agreed, a proposed provision of coal mining laws of the State, together with such other recommendations as to the commission shall seem fit and proper, relating to coal mining in the State of Illinois. And where there is not unanimous agreement upon any recommendations there shall be submitted in like manner separate reports embodying the recommendations of any one or more members of the said commission, which said reports shall each set forth in detail the recommendation of the commissioner or commissioners signing said report and shall embody his or their respective reasons for such recommendation and his or their objection to the report of other members of the commission. Upon the filing of the above mentioned reports, said reports to be made in the convening of the next General Assembly of recommendations and objections, the duties and functions of said commission shall cease and the terms of office of the respective commissioners shall terminate.

§ 5. The members of said commission who are coal mine owners and coal miners, as aforesaid, shall receive no compensation for their services. The remaining three members of the commission shall receive as compensation for their services the sum of $10 per day for each [day] actually employed by them as such commissioners. All members of the said commission shall be reimbursed for their actual expenses incurred in and about the actual work of said commission.

Said commission may appoint a stenographer or clerk and such other employés as are necessary and shall fix their compensation and may incur such other expenses as are properly incidental to the work of the commission.

§ 6. The sum of ten thousand dollars ($10,000.00), or as much thereof as may be necessary, is hereby appropriated for the postage, stationery, clerical and expert services, and incidental traveling expenses of the commission, and the per diem of members as herein authorized, and the Auditor of Public Accounts is hereby authorized to draw his warrant for the foregoing amount, or any part thereof, in payment of any expenses, charges or disbursements authorized by this Act, on order of this commission, signed by its chairman, attested by its secretary, and approved by the Governor.

The State Board of Contracts is hereby authorized and directed to provide all necessary printing for the mining investigation commission, and testimony taken by it shall be reported in full and may be published from time to time by the commission.

Approved May 27, 1911.

ILLINOIS MINERS' AND MECHANICS' INSTITUTES.

(Senate Bill No. 259. Approved May 25, 1911.)

AN ACT *to prevent accidents in mines and other industrial plants and to conserve the resources of the State by the establishment of Illinois Miners' and Mechanics' Institutes and for the administration and support of the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to prevent accidents in mines and other industrial plants and to conserve the resources of the State, by the education and training of all classes of workers in and about the mines and other industrial plants of the State, there shall be established and maintained a form of educational betterment work, which shall be known as the Illinois Miners' and Mechanics' Institutes.

§ 2. That it shall be the purpose of such Illinois Miners' and Mechanics' Institutes to promote the technical efficiency of all persons working in and about the mines and other industrial plants of the State and to assist them to better overcome the increasing difficulties of mining and other industrial employments. In the development of this purpose, any and all means may be employed which promise to give desired results such as bulletins, traveling libraries, lectures, correspondence work, classes for systematic instruction, or meetings for the reading and discussion of papers.

§ 3. That the administration of the Illinois Miners' and Mechanics' Institutes, as provided in section one hereof, shall vest in the trustees of the University of Illinois; that all money appropriated by the State for the purpose of this Act shall be made available to said trustees; and that the said trustees be and hereby are authorized and directed to proceed with the work of the organization, maintenance and administration through their regularly authorized agents, aided by such other persons as in their judgment the work may require.

§ 4. The State Board of Contracts is hereby authorized and directed to provide all necessary printing for the Illinois Miners' and Mechanics' Institutes, including such bulletins as may be published from time to time by the Illinois Miners' and Mechanics' Institutes.

APPROVED May 25, 1911.

DEPARTMENT OF FACTORY INSPECTION.

(Senate Bill No. 264. Approved June 5, 1911.)

AN ACT *to amend section 2 of an Act entitled, "An Act to provide for the establishment of a department of factory inspection, providing for the appointment of factory inspectors and an attorney for the department and prescribing their duties and to repeal all Acts or parts of Acts in conflict therewith," approved June 3, 1907, and in force July 1, 1907.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of an Act entitled.

"An Act to provide for the establishment of a department of factory inspection, providing for the appointment of factory inspectors and an attorney for the department and prescribing their duties, and to repeal all Acts in conflict therewith," approved June 3, 1907, and in force July 1, 1907, be amended to read as follows:

§ 2. The Governor shall, upon the taking effect of this Act, appoint a chief State factory inspector, whose duty it shall be to exercise general supervision over the Department of Factory Inspection and all of its inspectors, and secure the enforcement of all laws now in force or hereafter enacted relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State, and to perform such other duties as are now or may hereafter be prescribed by law to be performed by the Factory Inspector. The salary of such Chief State Factory Inspector shall be three thousand dollars ($3,000.00) per annum and his term of office shall be four (4) years.

The Governor shall appoint, upon the taking effect of this Act, an assistant Chief Factory Inspector at a salary of two thousand two hundred and fifty dollars ($2,250.00) per annum; one physician at a salary of fifteen hundred dollars ($1,500.00) per annum; and thirty (30) deputy factory inspectors, who shall receive a salary of twelve hundred dollars ($1,200.00) per annum, and an attorney for said department at a salary of fifteen hundred dollars ($1,500.00) per annum.

The duties of the assistant Chief Factory Inspector, medical, expert and deputy inspectors, as herein provided, shall be the same as those now or hereafter imposed by law upon the Chief State Factory Inspector and the assistant Chief Factory Inspector and the deputy factory inspectors, and they shall be subject to the supervision and direction of the Chief State Factory Inspector in the discharge of such duties. Said Chief State Factory Inspector and the other inspectors provided for herein shall visit and inspect, at all reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops and commercial institutions in this State, where goods, wares and merchandise are manufactured, stored, purchased or sold at wholesale or retail.

And the Chief State Factory Inspector shall report in writing to the Governor on the thirtieth (30th) day of June annually, the result of his inspections and investigations, together with such other information and recommendations as he may deem proper. And said inspectors shall make a special investigation into the conditions of labor in this State, or into any alleged abuses in connection therewith, whenever the Governor shall direct, and report the results of the same to the Governor.

It shall be the duty of the said inspectors to enforce the provisions of this Act, and perform such other duties as now are or shall hereafter be prescribed by law, and to prosecute all violations of law relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State before any magistrate or in any court of competent jurisdiction in this State.

And it shall be the duty of the State's attorney of the proper county, upon request of the Chief State Factory Inspector or his deputies, to prosecute any violation of law which it is made the duty of the factory inspectors to enforce. And it shall be the duty of the attorney for such department to prosecute, when requested by the Chief State Factory Inspector, any infractions or violations of law which is now or may be hereafter made the duty of the Factory Inspector to enforce.

Said Chief State Factory Inspector shall, by written order filed with the Governor, divide the State into inspection districts, due regard being had to the number of establishments and the amount of work required to be performed in each district. And he shall assign to each district a deputy inspector who shall have charge of the inspection in the district to which he is assigned, under the supervision of the Chief State Factory Inspector. The Chief State Factory Inspector may at any time, when in his discretion the good of the service requires, change a deputy inspector from one district to another, or re-assign the districts of the State among the several deputy inspectors under his charge. He may at any time, when the conditions are changed, or in his discretion the good of the service requires, by a like order filed with the Governor, re-divide the State into inspection districts, changing the territory embraced within the several districts as to him may seem advisable

APPROVED June 5, 1911.

MINE FIRE RESCUE STATIONS.

(Senate Bill No. 420. Approved June 5, 1911.)

AN ACT *to amend sections 2, 5 and 9 of an Act entitled, "An Act to establish and maintain in the coal fields of Illinois, mine fire fighting and rescue stations, and to make an appropriation therefor," approved March 4, 1910, in force July 1, 1910, and by amending the title of said Act.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2, 5 and 9 of an Act entitled, "An Act to establish and maintain in the coal fields of Illinois, mine fire fighting and rescue stations, and to make an appropriation therefor," approved March 4, 1910, in force July 1, 1910, and the title thereto be and the same are hereby amended to read as follows:

§ 2. The Governor shall appoint a commission, consisting of seven members, including two coal mine operators, two coal miners, one State mine inspector, one representative of the department of mining at the University of Illinois, and one representative of the Federal Bureau of Mines. Said commission shall, within ten days after their appointment, meet and organize by electing one of their number chairman and another secretary of said commission, who shall hold their respective offices for a period of one year from the date of their election and until their successors are elected and qualified. Members of the said commission shall receive ten dollars ($10.00) per day for services rendered, not to exceed

twenty-five (25) days during any one year, and all members of said commission shall be reimbursed for actual expenses while engaged in official work, approved by the commission; which commission shall be responsible for the proper carrying out of the provisions of this Act.

§ 5. The said commission shall appoint as manager of three stations and of their work, a man experienced in mining and mine engineering. The manager shall, with the advice and consent of the said commission, appoint for each station a superintendent and an assistant. Each appointee shall serve for a term of two years and until his successor is appointed and qualified, unless sooner discharged by the said commission. Each appointee before entering upon the duties of his office shall take and subscribe to the oath of office as provided by law. The manager shall, with the advice and consent of the commission, have authority to pay for such temporary assistance as may be needed in giving instruction in first aid to the injured and similar technical subjects, and such other temporary assistants and porters as may be needed from time to time to properly carry on the work of said rescue stations and such rescue cars as may be installed in connection with said stations, but not more than one extra assistant and one porter shall be employed for each rescue car.

§ 9. The commission shall prepare a biennial report to the Governor and the General Assembly with necessary illustrations showing the work performed and money expended by the mine rescue service; and the State Board of Contracts is hereby directed to print and bind said reports promptly, and to provide all necessary printing for the Mine Rescue Commission out of the appropriations for such board of contracts.

§ 2. The title of said Act shall be amended to read as follows:

An Act to establish and maintain in the coal fields of Illinois mine fire fighting and rescue stations.

Approved June 5, 1911.

Private Employment Agencies.

(Senate Bill No. 418. Approved June 7, 1911.)

An Act *to amend sections 1 and 10 of "An Act relating to private employment agencies and to repeal parts of a certain Act relating thereto."*

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1 and 10 of an Act entitled, "An Act relating to private employment agencies and to repeal parts of a certain Act relating thereto," approved June 15th, in force July 1, 1909, be and the same is hereby amended to read as follows:

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person shall open, keep or carry on any employment agency in the State of Illinois unless every such person shall procure a license therefor from the State Board of Commissioners of Labor. Any person who shall open or conduct any such agency without first procuring such license shall be guilty of a mis-

demeanor and shall be punishable by a fine of not less than fifty dollars ($50.00) and not exceeding two hundred dollars ($200.00), or on failure to pay such fine, by imprisonment for a period not exceeding six months, or both, at the discretion of the court. Such license shall be issued by the State Board of Commissioners of Labor, the fee for which in cities having a population of fifty thousand or over shall be fifty dollars ($50.00) annually, and a fee of twenty-five dollars ($25.00) annually in all cities containing less than fifty thousand population. All moneys received by the said Board of Commissioners of Labor from whatever source, shall be paid into the State treasury on or before the 30th day of September and the 31st day of March of each year following the adoption of this Act.

Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any place other than that designated in the license unless consent is first obtained from the State Board of Commissioners of Labor, or the chief inspector of employment agencies and until the written consent of the surety or sureties on the bond required to be filed by section 2 of this Act to such transfer, be filed with the original bond. No such agency shall be located on premises where intoxicating liquors are sold, excepting cafès and restaurants in office buildings. The application for such license shall be filed with the State Board of Commissioners of Labor not less than one week prior to the granting of said license and the State Board of Labor Commissioners shall act upon such application within thirty (30) days from the time of application. Such application shall be accompanied by the affidavits of two persons who have known the applicant or the chief officer thereof, if a corporation, for two years, stating that the said applicant is a person of good moral character. The license shall run for one year from the date thereof and no longer, unless sooner revoked by the State Board of Commissioners of Labor. Such application shall be posted in the office of the State Board of Commissioners of Labor or in the office of the chief inspector of private employment agencies, from the date of filing thereof, and until such application is acted upon; and before any license shall be granted, notice of such application shall be published on three (3) distinct days by the State Board of Labor Commissioners in some daily newspaper of general circulation throughout the county within which the applicant desires to locate such agency.

§ 10. SALARIES.] Such chief inspector of private employment agencies shall receive a salary of three thousand six hundred dollars ($3,600) per annum, to be paid monthly upon vouchers therefor filed with the Auditor of Public Accounts and approved by the Governor. Such inspector shall furnish a bond payable to the State of Illinois in the sum of five thousand dollars ($5,000), said bond to be approved by the Governor and filed with the Secretary of State. The necessary traveling and hotel expenses of the chief inspector and his deputies, the Commissioners of Labor and their secretary and such other necessary office expenses, shall be allowed upon itemized accounts rendered therefor

and approved by the Governor. The chief inspector shall also be allowed the necessary printing, stationery and postage, also be furnished a suitable room or rooms and necessary office furniture and assistants, such as a clerk, one woman investigator of domestic agencies and stenographer as the office requires, accounts therefor to be rendered and approved in the manner required by this Act. The other inspectors provided for in this Act shall receive a salary of $1,500 per annum, payable monthly upon the certificate of the chief inspector of private employment agencies that such services have been actually rendered under his direction.

APPROVED June 7, 1911.

PROHIBITS CERTAIN EMPLOYMENT IN BASEMENTS.

(House Bill No. 410. Approved June 5, 1911.)

AN ACT *in relation to the use of basements or rooms lying wholly or partly beneath the surface of the ground as work rooms.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person shall be employed to operate any emery wheels or emery belts of any description, either leather, leather covered, felt, canvas paper, cotton, or wheels or belts rolled or coated with emery, corundom or cotton, or wheels used as buffs, in any basement so-called, or in any room lying wholly or partly beneath the surface of the ground.

§ 2. Any person, company, corporation or manager or director of any such company or corporation who shall fail to comply with the provisions of section one (1) of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five (25) dollars and not more than two hundred dollars ($200.00).

APPROVED June 5, 1911.

SAFETY TO LIFE AND PROPERTY BY FIRE AND EXPLOSION.

(House Bill No. 444. Approved May 31, 1911.)

AN ACT *to provide greater safety to life and property from loss by fire and explosions.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the Fire Marshal or such other officer or officers as are or may be charged with the duty of fire protection in each town, village or city in the State of Illinois, to require the owner, agent or person in charge of each public building, factory, store, hotel, theatre, tenement or other building, except private residences in each of said town, villages or cities, in which gas is used for illuminating or heating or other purposes, to equip

said building or buildings with an automatic gas cock, valve or appliance by means of which, in case of fire, accident or other necessity, the supply of gas may be shut off from said building or buildings, without requiring firemen or other persons to enter within said building or buildings for said purpose.

§ 2. That all such safety cocks, valves, or appliances, as herein provided for, shall be of such design and quality of workmanship as to be reasonably certain to perform the work required to be done thereby and shall be approved by, and installed under the supervision and control of the duly authorized officer or officers charged with the duty of fire protection in said town, village or city in which said gas cocks, valves or devices are required to be installed; and when thus installed in any building, shall continue to be and remain under their supervision and control: *Provided, however,* that in all cases where the total volume of gas led into any building or buildings, is not more than the average volume delivered through a three-fourths inch pipe, then all such buildings shall be exempt from the requirements herein named, unless the conditions under which the gas is used are such as to endanger life or property to the same extent as the larger average volume carried by pipes of the next larger size, then in all such cases, at the discretion of said duly authorized officer or officers, all such buildings may be required to be equipped as provided for herein.

§ 3. That from and after the time of taking effect of this Act any owner, agent or person in control of any building or buildings within the requirements hereof, who shall fail, neglect or refuse to equip said building or buildings or to comply with the requirements set forth herein, shall be served with legal notice by the officer or officers duly charged with the fire protection of same to comply therewith within thirty days, and if at the expiration of the time specified in said notice, said building or buildings are not equipped as provided for herein, then said owner, agent or person in control shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) nor more than fifty dollars ($50.00) for each offense. And upon such conviction such owner, agent or person in control of any building or buildings, it shall be unlawful for any person, firm or corporation or company to supply gas to such building or buildings for a longer period of time than thirty (30) days next succeeding said conviction, until such building or buildings have been equipped as provided herein.

§ 4. That when any such device is installed and approved, it shall be unlawful for any unauthorized person to willfully disturb, destroy, meddle or tamper with any such device in any way, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50.00) for each offense.

§ 5. This Act to be in full force and effect on and after January 1, 1912.

Approved May 31, 1911.

Commission to Revise Building Laws.

(Senate Bill No. 332. Approved May 25, 1911.)

An Act *authorizing the appointment of a commission to revise and codify the building laws of the State of Illinois and making an appropriation to carry into effect the provisions of this Act.*

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor be and he is hereby empowered and directed to appoint a commission to be known as "The Commission to Revise and Codify the Building Laws of the State of Illinois," to be composed of seven members selected as follows: Two architects, one of whom shall be a member of the State Board of Examiners of Architects; two structural engineers, one fire protection expert, one building contractor and one member whose appointment need not be limited as above. The Governor shall appoint one member of said commission to act as chairman of the commission.

§ 2. The duties of said commission shall be to make such investigation into the subject of building laws in force in other states as it may deem necessary, and to consider all the laws in force in the State of Illinois bearing on that subject with the object in view of revising and codifying the laws of this State which pertain to the subject of buildings. In the report which such commission makes, as hereinafter provided, it shall recommend to the General Assembly such legislation as will properly regulate the construction, sanitation and protection from fire of all buildings of a public nature, or where large numbers of people shall congregate, such as hotels, theaters, schools, churches and other buildings for public assembly, department stores, factories, tenement houses, hospitals and buildings for charitable, penal and reformatory institutions, so that the greatest protection to health and safety to life and limb and property may be assured to the People of the State of Illinois. All printing and printing paper necessary for the purposes of said commission shall be and form a part of the State printing and printing paper contract, and as such shall be under the direction and supervision of the Board of Commissioners of State Contracts.

§ 3. To carry into effect the provisions of this Act the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for clerical and stenographic services, for telegraphing, telephoning, postage, expressage, stationery and other incidental expenses of the commission and for the traveling expenses and disbursements of the members of the commission.

§ 4. The said commission shall make its report with such proposed legislation accompanying the same, to the Governor of this State on or before January 1, 1913.

§ 5. The Auditor of Public Accounts is hereby directed to draw his warrant for the moneys hereby appropriated upon the presentation of proper vouchers certified to as correct by said board and approved by the Governor and the Treasurer shall pay the same out of the money hereby appropriated.

Approved May 25, 1911.

CITIES AND VILLAGES—EMPLOYMENT ON PUBLIC WORKS.

(Senate Bill No. 217. Approved May 26, 1911.)

AN ACT *to amend section fifty (50) of article IX of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended by subsequent Acts.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section fifty (50) of article IX of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended by subsequent Acts, be, and the same is hereby amended so as to read as follows:

§ 50. Any work or other public improvement, except any work or public improvement to be paid for in whole or in part by a special assessment shall, when the expense thereof shall exceed $500, either be constructed by contract let to the lowest responsible bidder in the manner prescribed by ordinance: (*Provided, however,* any such contract may be entered into by the proper officers without advertising for bids, by a vote of two-thirds of all the aldermen or trustees elected;) or such work or other public improvement shall be constructed in the following manner, by a vote of two-thirds of all the aldermen or trustees elected, to-wit:

The commissioner of public works or other proper officers to be designated by ordinance, shall superintend and cause to be carried out the construction of such work or other public improvement and shall employ for the performance of all manual labor thereon, exclusively laborers and artisans whom the city or village shall pay by the day or hour, and all material of the value of $500 and upward using in the construction of such work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance.

In every city which has adopted an Act entitled, "An Act to regulate the civil service of cities," approved and in force March 20, 1895, every such laborer and artisan shall be certified by the civil service commission to the commissioner of public works or other proper officer, in accordance with the requirements of said Act entitled, "An Act to regulate the civil service of cities."

APPROVED May 26, 1911.

APPENDIX.

Brief Abstract of Labor Laws of Illinois, Arranged Chronologically 1819-1911.

BRIEF ABSTRACTS OF THE LABOR LAWS OF ILLINOIS.

(Arranged Chronologically.)

Date.	Nature of the Enactment.
1819, Feb. 6	Providing for the manner of binding apprentices and for their protection. [Statutes 1819, p. 5.]
1826, Dec. 30	Providing the manner of binding apprentices, who may be bound, and otherwise regulating apprenticeship. [Rev. Laws Ill. 1832-3, p. 68.]
1845, Mar. 1	In an Act to lease the penitentiary: Regulating the use of convict labor. [Rev. Stat. 1845, p. 583.]
1845, Mar. 3	In an Act defining offenses against public health, safety, and morals: Prohibiting labor on Sunday. [Rev. Stat. 1845, p. 177.]
1863, Feb. 13	Making it a misdemeanor to prevent by any means any person from working at any lawful business on any terms; applying especially to coal mining. [Stat. 1863, p. 70.]
1863, Feb. 14	Providing for the better securing of their wages to laborers in the building trades, by giving them liens on buildings; applicable in certain named counties only. [Stat. 1863, p. 57.]
1865, Feb. 16	Extending provisions of the Mechanic's Lien Act of Feb. 14, 1863, to other counties. [Stat. 1865, p. 91.]
1867, Mar. 5	Making eight hours a legal day's work, except in farm employment. [Stat. 1867, p. 101.]
1867, Mar. 7	Extending provisions of the Mechanic's Lien Act of Feb. 14, 1863, to other counties. [Stat. 1867, p. 133.]
1869, Mar. 31	Extending provisions of the Mechanic's Lien Act of Feb. 14, 1863, to still other counties. [Stat. 1869, p. 258.]
1869, Apr. 5	Repealing the Mechanic's Lien Act of Feb. 14, 1863, and substituting a general law for the whole State, with practically the same provisions. [Stat. 1869, p. 255.]
1872, Mar. 22	Providing that no person shall be debarred from any employment on account of sex. [Stat. 1871-2, p. 578.]
1872, Mar. 27	Providing for the health and safety of persons employed in coal mines; regulating escapement shafts, ventilation, signalling and hoisting; specifying qualifications of engineers; requiring inspection; prohibiting employment of women and young persons under fourteen years in mines. [Stat. 1871-2, p. 568.]
1872, Apr. 3	Securing to laborers on railroad construction work a lien on railroad property to provide against loss of wages. [Stat. 1871-2, p. 279.]
1873, Apr. 24	Amending Act of May 27, 1872, for the protection of miners by prohibiting the employment of young persons under twelve years of age. [Stat. 1873-4, p. 122.]
1877, May 17	Prohibiting the employment of children under the age of fourteen years in certain employments, especially in public exhibitions and in vocations injurious to health or dangerous to life. [Stat. 1877, p. 90.]
1877, May 23	Amending Act of May 27, 1872, for the protection of miners, by specifying requirement and by creating office of mine inspector in each county where mining is carried on. [Stat. 1877, p. 139.]
1879, May 28	Providing for the more thorough protection of miners, adding to inspectors' duties and powers, and increasing penalties for violation. Act of May 27, 1872, partially repealed. [Stat. 1879, p. 204.]
1879, May 29	Creating a Bureau of Labor Statistics. [Stat. 1879, p. 61.]
1883, June 18	Amending Act of May 28, 1879, in regard to mines, by creating inspection districts, providing for appointment of Board of Mine Examiners and of inspectors for the districts, and giving Bureau of Labor Statistics supervision of the work of inspection. [Stat. 1883, p. 116.]
1883, June 21	Amending Act of May 28, 1879, in regard to mines, by providing against danger from fire or suffocation from smoke. [Stat. 1883, p. 114.]
1885, June 30	Amending Act of May 28, 1879, in regard to mines, by providing more convenient means of escape from mines, and better ventilation. [Stat. 1885, p. 217.]
1887, June 15	Making laborers and other employés preferred creditors, over other judgment creditors, to the amount of $50.00. [Stat. 1887, p. 308.]

Abstracts—Continued.

Date.	Nature of the Enactment.
1887, June 16	Amending Act of May 28, 1879, in regard to mines and the various amendments to that Act, by providing for daily examination of mines, and for better protective devices, signals, etc. [Stat. 1887, p. 230.]
1889, June 1	Protecting native labor by prohibiting the employment of aliens in public service or on public work. [Stat. 1889, p. 2.]
1889, June 1	Providing that in suits to recover wages, attorney's fees shall be allowed to plaintiff in addition to wages. [Stat. 1889, p. 2.]
1889, June 4	Amending Act of May 28, 1879, in regard to mines, by making further detailed provisions as to ventilation, examination of boilers, etc. [Stat. 1889, p. 202.]
1891, June 17	Prohibiting the employment of any child under thirteen years, except those upon whom relatives are dependent and those who have attended school eight weeks a year. [Stat. 1891, p. 87.]
1891, Apr. 23	Requiring the weekly payment of wages by corporations. [Stat. 1891, p. 213.]
1891, May 28	Prohibiting the payment of laborers in anything but lawful money; excepting farm laborers. [Stat. 1891, p. 212.]
1891, June 18	Providing for the examination and certification of mine managers by a State Board of Examiners. [Stat. 1891, p. 168.]
1893, June 17	Protecting employés in their right to belong to labor organizations. [Stat. 1893, p. 98.]
1893, June 17	Regulating tenement manufacturers, prohibiting the employment of children under fourteen years in factories, limiting hours of labor for women to eight per day, and creating office of factory inspector. [Stat. 1893, p. 99.]
1895, June 15	Amending Act of May 28, 1879, in regard to mines, by increasing the number of mining inspection districts. [Stat. 1895, p. 252.]
1895, June 21	Including in judgments for wages, payment also for the services of the laborer's horse or team. [Stat. 1895, p. 173.]
1895, June 21	Amending Act of June 15, 1887, in regard to preferred claims of laborers, by extending it to include claim in full instead of limiting the amount to $50.00. [Stat. 1895, p. 242.]
1895, June 21	Giving laborers in or on mines and miners a lien against mining property for the amount of wages due. [Stat. 1895, p. 242.]
1895, June 21	Amending Act of May 28, 1879, in regard to mines, by requiring the examination and certification of fire bosses and hoisting engineers by the State Board of Mine Examiners. [Stat. 1895, p. 250.]
1895, June 21	Amending Act of June 18, 1891, in regard to mine managers by imposing additional qualifications. [Stat. 1895, p. 255.]
1895, June 21	Amending Act of May 17, 1877, in regard to employment of children, by adding certain employment to the prohibited list. [Stat. 1895, p. 153.]
1895, June 21	Amending Act of May 28, 1879, and subsequent Acts in regard to mines by requiring more adequate provision for ventilation of mines. [Stat. 1895, p. 258.]
1895, Aug. 2	Creating State Board of Arbitration for the investigation and settlement of differences between employers and their employés. [Stat. 1895, spec. ses., p. 5.]
1897, June 3	Requiring that coal miners be paid in lawful money for all coal mined. [Stat. 1897, p. 27.]
1897, June 7	Requiring coal miners to show evidence of competency. [Stat. 1897, p. 268.]
1897, June 9	Prohibiting employment of children under fourteen years in a number of mercantile and manufacturing establishments, and regulating employment of those between fourteen and sixteen years. [Stat. 1897, p. 90.]
1897, June 11	Requiring blowers on emery wheels and emery belts for the protection of persons working with them. [Stat. 1897, p. 250.]
1899, Apr. 11	Creating free public employment agencies and regulating their operation, and regulating private employment agencies. [Stat. 1899, p. 268.]
1899, Apr. 12	Amending Act of Aug. 2, 1895, in regard to State Board of Arbitration, by changing the method of procedure. [Stat. 1899, p. 75.]
1899, Apr. 18	Revising all laws in relation to coal mining; providing for health and safety of employés. [Stat. 1899, p. 300.]
1899, Apr. 24	Prohibiting deception, false advertising, false pretences, and unlawful force in procuring employés to work in any occupation. [Stat. 1899, p. 139.]
1901, May 10	Amending Child Labor Act of June 9, 1897, by limiting number of hours to 10 per day or 60 per week. [Stat. 1901, p. 231.]
1901, May 11	Amending Act of Aug. 2, 1895, in regard to State Board of Arbitration by giving it wider powers in time of strikes. [Stat. 1901, p. 90.]
1903, May 11	Creating free public employment offices in certain cities and regulating private agencies. Partially supplants Act of April 11, 1899. [Stat. 1903, p. 194.]
1903, May 11	Regulating convict labor and protecting free labor from competition with convict labor. [Stat. 1903, p. 271.]
1903, May 14	Prohibiting the withholding of wages due employés beyond the regular pay day. [Stat. 1903. p. 198.]
1903, May 14	Requiring coal mines to be provided with wash rooms for the use of miners. [Stat. 1903, p. 252.]
1903, May 15	Prohibiting employment of children under fourteen years, and regulating that of children between fourteen and sixteen years in shops and factories; repealing Child Labor Act of June 17, 1891. [Stat. 1903, p. 187.]

Abstracts—Continued.

Date.	Nature of the Enactment.
1903, May 18	In Act revising laws in regard to mechanic's liens: Making wages of laborers preferred liens. [Stat. 1903, p. 241.]
1905, May 12	Protecting employés and travelers by compelling common carriers to equip cars with automatic couplers, etc. [Stat. 1905, p. 350.]
1905, May 13	Amending Mining Act of April 18, 1899, by requiring mine examiners at all mines. [Stat. 1905, p. 324.]
1905, May 13	Amending Mining Act of April, 18, 1899, by prohibiting labor of boys under sixteen years, and women and girls of any age in or about a mine. [Stat. 1905, p. 326.]
1905, May 13	Amending Mining Act of April 18, 1899, by revising the code of signals. [Stat. 1905, p. 329.]
1905, May 18	Requiring that operators shall employ experienced and practical shot-firers in coal mines. [Stat. 1905, p. 328.]
1907, May 17	Amending Mining Act of April 18, 1899, by increasing indemnity for loss of life in mine accidents. [Stat. 1907, p. 396.]
1907, May 18	Amending Mining Act of April 18, 1899, by regulating the use of blasting powder. [Stat. 1907, p. 398.]
1907, May 20	Amending Act of May 18, 1905, in regard to shot-firers, by specifying qualifications for shot-firers and rules for shot firing. [Stat. 1907, p. 401.]
1907, May 24	Requiring employers to report to the Bureau of Labor Statistics concerning accidents to their employés. [Stat. 1907, p. 308.]
1907, May 25	Amending Mining Act of April 18, 1899, by requiring that there be refuge places in side walls of mines along car and mule tracks. [Stat. 1907, p. 397.]
1907, May 27	Amending Mining Act of April 18, 1899, by creating State Mining Board, by providing for examination of mine inspectors, mine managers, hoisting engineers, and mine examiners, and by regulating mine ventilation. [Stat. 1907, p. 387.]
1907, June 3	Creating a department of factory inspection. [Stat. 1907, p. 310.]
1907, June 3	Providing for protection and safety of persons employed in structural work. [Stat. 1907, p. 312.]
1908, June 1	Requiring examination of coal miners to prevent employment of incompetent persons in coal mines. Repeals Act of June 7, 1897, requiring evidence of competency of coal mines. [Stat. 1908, spec. ses., p. 90.]
1908, June 1	Amending Act of May 29, 1879, creating Bureau of Labor Statistics, by making it the duty of employers of labor to afford the State Commission every facility in procuring statistics. [Stat. 1908, spec. ses., p. 80.]
1909, May 27	Joint resolution No. 43, providing for a railroad investigating commission to investigate the physical conditions of all railroads of the State, operation, management, employés and service to the public. [Stat. 1909, p. 490.]
1909, June 4	Providing for the guarding and protection of employés in the use of hazardous machinery in factories and workshops. [Stat. 1909, p. 202.]
1909, June 5	Revising Act of June 1, 1908, providing for the examination of coal miners, by a miner's examining board, appointed by county judges. [Stat. 1909, p. 284.]
1909, June 5	Amending Act of 1903, in regard to the moneys received from license fees, private employment agencies, and requiring a bond of the Secretary of the Commissioners of Labor. [Stat. 1909, p. 201.]
1909, June 8	Providing for the establishment of a department of mining engineering in the University of Illinois. [Stat. 1909, p. 43.]
1909, June 10	Providing for certificates of registration and examination of persons following the occupation of barbers and creating a board of examiners, appointed by the Governor. [Stat. 1909, p. 98.]
1909, June 10	Amending Act of May 29, 1879, creating Bureau of Labor Statistics, enlarging the duties of the Commissioners to collect statistical details of manufacturing industries and commerce. [Stat. 1909, p. 199.]
1909, June 10	Providing for Mining Investigation Commission, with authority to investigate conditions of mining coal, safety of human lives, conservation of coal deposits and submitting a revision of the coal mining laws of the State. [Stat. 1909, p. 55.]
1909, June 14	Amending Section 4, Act of 1897, providing for the examination and issuing certificates to persons engaged in the business of plumbing in certain cities. [Stat. 1909, p. 132.]
1909, June 15	Providing for the size and equipment of caboose cars on railroads to be enforced by the Railroad and Warehouse Commissioners. [Stat. 1909, p. 306.]
1909, June 15	Relating to private employment agencies, providing for a chief inspector and assistants, and repealing Secs. 9, 10, 11 of the Act of May 11, 1903. [Stat. 1909, p. 213.]
1909, June 15	Providing for a limit of ten hours for one days work for women employed in any mechanical establishment or factory or laundry. [Stat. 1909, p. 212.]
1909, June 16	Amending Section 11, Act May 11, 1903, and Act May 18, 1905, in regard to convict labor and providing for the employment of prisoners for the improvement of rivers. [Stat. 1909, p. 303.]
1910, Mar. 4	Providing for fire fighting and rescue stations in coal fields. [Stat. 1910, p. 2.]
1910, Mar. 8	Providing for fire fighting equipment in coal mines. [Stat. 1910, p. 84.]
1911, May 25	Providing for a commission to revise the building laws. [Stat. 1911, p. 61.]
1911, May 25	Providing for establishing and maintaining miners' and mechanics' institutes. [Stat. 1911, p. 329.]

Abstracts—Concluded.

Date.	Nature of the Enactment.
1911, May 26	Amending Section 50 of Article IX, Act of 1872, providing for employment on public works in cities and villages. [Stat. 1911, p. 185.]
1911, May 27	Providing for mining investigation commission, with authority to investigate conditions of mining coal, safety of human lives, conservation of coal deposits and submitting a revision of the coal mining laws of the State. [Stat. 1911, p. 65.]
1911, May 31	Providing greater safety to life and property from loss by fire and explosion. [Stat. 1911, p. 146.]
1911, June 5	Amending Section 2, Act of 1907, relating to department of factory inspection. [Stat. 1911, p. 326.]
1911, June 5	Prohibiting certain employment in basement. [Stat. 1911, p. 314.]
1911, June 5	Amending Sections 2, 5 and 9, Act of 1910, providing for mine fire rescue stations. [Stat. 1911, p. 424.]
1911, June 6	Revising the general mining law. [Stat. 1911, p. 387.]
1911, June 7	Amending Sections 2, 4, 5, 6 and 7, Act of 1910, providing for fire fighting equipment in coal mines. [Stat. 1911, p. 419.]
1911, June 7	Regulating the character of powder used in coal mines. [Stat. 1911, p. 385.]
1911, June 7	Amending Act of 1905, relating to oil and gas wells in vicinity of coal mines. [Stat. 1911, p. 426.]
1911, June 7	Amending Section 1 and 10, Act of 1909, relating to private employment agencies. [Stat. 1911, p. 335.]
1911, June 10	Providing for compensation to employés for accidental injury or death. [Stat. 1911, p. 314.]
1911, June 10	Guarding against occupational diseases. [Stat. 1911, p. 330.]
1911, June 10	Amending Sections 1 and 2 and adds. Sec. 5, Act of 1909, providing for a ten hour work day for females. [Stat. 1911, p. 328.]